THOMAS DONGAN

Colonial Governor of New York

1683–1688

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1870-

Thomas Dongan, colonial
governor of New York

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Thomas Dongan

COLONIAL GOVERNOR OF
NEW YORK

THOMAS DONGAN

FROM A PORTRAIT FOUND IN HIS RESIDENCE
STATEN ISLAND, NEW YORK

By Courtesy of New York Historical Society

Thomas Dongan

COLONIAL GOVERNOR OF NEW YORK

1683–1688

By

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To

the memory of

JOHN GRANT COYLE, M. D., LL. D.,

Knight Commander of the Holy Sepulchre,
sincere Christian, devoted physician, beloved friend,
valiant knight, cultured scholar, Catholic gentleman,
whose eloquence, learning and sincerity inspired many Catholic hearts
to better service in the vineyard of the Lord,
this humble volume is affectionately dedicated by

THE AUTHOR.

Preface

TWO hundred fifty years ago, on October fourteenth, 1683, the first popular assembly in the colony of New York met at Fort James and formulated laws and privileges for the government and betterment of the province and its inhabitants. It was an epoch-marking event in the history of the settlement. It framed the Charter of Liberties and Privileges, granting popular government, religious toleration for all, trial by jury, immunity from arbitrary arrest, freedom from martial law. It enunciated truths which became in after years, the corner stone of American liberty, the foundation of its just and equitable laws. It defined principles which have become the symbols of American liberty. "Taxation without representation is tyranny," was the slogan of the patriots at Bunker Hill, Saratoga, Yorktown, inspiring them to suffer hunger and cold, imprisonment and death rather than yield to the unjust dictates of England, the cloud by day, the pillar of fire by night, guiding the deliberations of these delegates chosen by the freeholders of the colonies. Religious toleration for every man was another shibboleth coined by the fathers of the assembly at Fort James. Trial by jury, freedom from arbitrary arrest, immunity

from martial law are other principles enacted by this popular body, reproduced in the Constitution of the new Republic, truths derived from the Magna Charta that Catholic document of the thirteenth century, and the writings of the great Saint Thomas Aquinas. The convocation of this free assembly may be justly and rightly styled, the lode star of American civil and religious toleration, harbinger of the future commonweal where the oppressed of every clime and every age might find spiritual and temporal peace and consolation.

The presiding officer and controlling genius of the Assembly was Thomas Dongan, the first and only Catholic Governor of the colony of New York, a diplomatic statesman, with a broad mind, wide sympathy, and executive ability far in advance of the era, one of the most illustrious and colorful figures in American Colonial History. Born and nurtured in Catholic Ireland, a champion of her religion and her nationality against the alien enemy who strove to deprive her of both, leavened by his three decades of exile in France and his experiences in the Low Countries, he had come to appreciate the blessings of civil and religious freedom, and cheerfully bestowed both on his scattered subjects. Democracy was feared and detested by the monarchs of Europe. Even Holland the most enlightened of all the nations hesitated to confer the franchise unless

with discriminating qualifications, on the infant colony. But Dongan was a seer, peering eagerly into the future, a prophet before his time displaying an intimate conception of Catholic teachings, a modern appreciation of individual rights, an innate grasp of the theories of government, and in the Acts of the Assembly, he breathed a spirit of true democracy, planted the seed of popular freedom, which a century later grew and fructified into the clauses of the Declaration of Independence and the Constitution of the new Republic, the source and fount of the peace and prosperity of her citizens. The sacred and inalienable rights guaranteed to men by the Creator, were first proclaimed on the shores of the New World by the pioneer legislators who framed the charter under the guidance of the Catholic Governor in 1683.

Nor must the memory of James II, the erstwhile Duke of York, be neglected. History has been unjust to him styling him, dull, fanatical, revengeful, tyrannical, his motives questioned, his words misunderstood, his actions misinterpreted. Religious bigotry has stigmatized him as the implacable foe of the Anglican Establishment, his sole aim and desire to undo the pseudo-reformation, to restore Catholicism to its ancient heritage. Faults he had in plenty, but intolerance was not one of them. He had embraced Catholicity late in life, not hur-

riedly, but after years of stern conflict with his conscience. He had no innate love for Catholic teaching and only adopted it as a means of spiritual safety—and although he was aware the public announcement of his conversion might cost him the throne, he persevered, preferring to forfeit the kingly estate rather than jeopardize his eternal salvation. He longed to see the humblest Catholic, the most rabid Dissenter, the most hated Jew and despised Quaker free to worship the Master in peace and security, and in his instructions to the Governors of New York, stressed the necessity for universal toleration. He respected the rights and privileges of the State Established Church but he also insisted that all other sects be tolerated. That he failed in the attempt, is no reflection on his ability or his sincerity. It was the age of intolerance and religious persecution in Albion, a heritage from the cruel years of Somerset and Elizabeth and consequently his efforts were vain. He lost his throne and spent his lifetime in exile, a martyr to his devotion to religious freedom.

These delegates to the first popular Assembly in the colony of New York, exiles from the two European countries, England and Holland, most deeply impregnated by the principles of the two great, Catholic documents, "The Magna Charta," and "The Great Privilege," inscribed on the statute books of the colony, truths which later were adopted

by the Fathers of the nascent Republic and the Law Makers of the Empire State. The right of the people to frame laws through their representatives chosen by popular election sounded strange to the ears of the monarchs of the seventeenth century but were transplanted a century later into the Constitution of the new nation and the individual states. "A government of the people, and for the people, and by the people," was an anomaly in the Europe of that era, and when the emancipated colonies adopted the same principles and established a modern Utopia, continental statesmen freely prophesied disintegration and anarchy, and a speedy return to kingly rule. Yet the individual rights, old Catholic contentions, advocated by the first Assembly in New York, are the safeguards of the American citizens and conduce to the unity and prosperity of the government. The separation of the executive, judicial and legislative branches was a portent of the future policy which has made the nation great and contented. The form of government, too, has been imitated in the nation and in the state. Substitute an elective Governor for the appointive executive, a senate chosen by the people for the Council named by the Proprietor or the Governor, and an assembly elected by the freeholders, and we have the framework of the admirable government of the State of New York and the central administration.

For more than three decades the author has been digging and delving into the records of the past, unearthing salient facts concerning Thomas Dongan and his career in the colony of New York. He has diligently and carefully examined and compared the Ecclesiastical Records of the State, and the Documentary History, those rare sources of the early history of the colony, perused the many chronicles, from that of William Smith through the exhaustive treatises of Brodhead and O'Callaghan, the more modern writers on the story of the Empire State, and the available manuscripts which might throw light on the period from 1683 to 1688 and the aftermath under William and Mary and Queen Anne. Unfortunately many of the principal episodes, especially in regard to the establishment and success of the Latin School, have been meagrely recorded as well as the later years of Dongan in Europe. During the past year, he was in London, securing much valuable information in the collections and at the Bodleian library at Oxford, visiting the former churchyard of Saint Pancras, and praying at the site of the unknown grave. He regrets that many of the incidents are so fragmentary yet he trusts sufficient to indicate the trials and sufferings of this seventeenth century soldier and statesman. If his few modest pages supply his fellow Catholics or his fellow citizens, irrespective of creed, with only a modicum of information on the life and

career of Dongan he shall feel amply repaid for his labors.

The two hundred and fiftieth anniversary of the convocation of the Assembly at Fort James seems a fiting time to proclaim the deeds of this Catholic hero. Many of the textbooks in our schools and colleges dismiss him with a few curt words or perhaps ignore him entirely. Yet it seems to the writer that every Catholic should have a knowledge of his character and career, and an acquaintanceship with his memorial, "The Charter of Liberties and Privileges." It has left an indelible mark on the legislative history of the state and the nation and inspired the lawmakers. Religious toleration in the republic is usually ascribed to the jealousy of the different sects, unable to agree on a state religion. But the provisions on the sixth article of the Constitution, "no religious test shall ever be required as a qualification to any office or public trust under the United States," and the first amendment, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," primarily credited to the demands of Thomas Jefferson, sound strangely like the ordinances of Dongan's Assembly: "That no person or persons which profess faith in God through Jesus Christ shall at any time be anyways molested, punished, disquieted or called into question for any difference of opinion or matter of religious concern-

ment, who do not actually disturb the civil peace of the Province." It may be only a coincidence, but it may be fair to infer that the old document of 1683, had some influence on the law-makers of the following century. Historians are agreed that Dongan was one of the ablest if not the ablest of the colonial rulers. May our Catholic citizens learn the same lesson and be proud of his name and fame.

Feast of St. Thomas Aquinas, March seventh, 1933.

Contents

		Page
	Preface	vii
Chapter I.	New Netherland	1
Chapter II.	New York	19
Chapter III.	The New Governor	27
Chapter IV.	The Assembly and the Charter	35
Chapter V.	Religious Toleration	43
Chapter VI.	Boundary Disputes	51
Chapter VII.	The Iroquois Alliance	62
Chapter VIII.	Municipal Enactments	70
Chapter IX.	The Latin School	78
Chapter X.	The Charter in England	88
Chapter XI.	Indian Troubles	96
Chapter XII.	In Private Life	104
Chapter XIII.	Charges and Counter Charges	111
Chapter XIV.	Rebellion and Exile	121
Chapter XV.	Ultima Thule	135
Chapter XVI.	Appreciation	144
	Index	151

THOMAS DONGAN

CHAPTER ONE

New Netherland

ON a bright spring day towards the close of April, 1524, a tiny vessel doubled the sandy promontory now known as Sandy Hook, passed through the Narrows and anchored in the spacious roadstead of the future western metropolis. It was the caravel, *Dauphin*, of less than a hundred tons, commanded by Giovanni da Verrazano, a typical sea-rover of the sixteenth century, commissioned by Francis I, King of France, to find a shorter northwestern passage to the Moluccas or Spice Islands in the Malaysian Archipelago. The Florentine sea captain sailed up the great river which emptied into a magnificent harbor, admiring the extent and beauty of the country, the hills giving promise of mineral wealth, when a sudden storm blew in from the ocean, he retraced his course and sailed away, after naming the sandy bar, Cap de Santa Maria. In the following

year, 1525, another miniature vessel, flying the ensign of Spain, and commanded by the Portuguese, Estavan Gomez, the renowned pilot who had served a short but stormy apprenticeship under Magellan, entered the harbor, renamed the spit, Cabo de Arenas—afterwards corrupted into Sandy Hook—the bay, St. Christobel, the river, San Antonio. Tradition asserts that adventurous explorers, merchants, and trappers from France visited the new region, admiring, "The Great River of the Mountains," and impressed by the grandeur of the Palisades, which they styled, "L'Anormee Berge," so that in maps of the period the territory was called, "Norumbega," and erected a fort and trading post in the lake on the Island of the Manant Indians, later known as the Collect Pond. They sailed northward on the stream probably as far as the site of the future city of Albany, hunting, fishing, trapping, bartering their wares to the River Indians.[1] In 1542, John Allefonsce, of Normandie, pilot for Robertval, entered Long Island Sound and the East River, sailing through the rocky shoals of the modern Hell Gate and visited the Indian village of "Noronbiegue."

These discoveries and explorations were barren of results as no permanent settlements were founded, and almost a century elapsed before the soil of the future Empire State was trod by the foot of a Euro-

[1] Bennett. Cath. Foots. in N. Y. 13.

pean. In the summer of 1609, Samuel de Champlain, with a party of warlike Hurons entered from Canada and fought a battle with the Iroquois on Lake Champlain, near the present site of Crown Point. The friendly warriors told him of another lake to the south, (Lake George) and a great river, (the Hudson) flowing into the ocean, and importuned him to pursue the fleeing enemy, and appropriate the rich country, but the Governor was obliged to hasten back to the feeble settlement at Quebec.[2] In the following September—1609—Henry Hudson, an Englishman, who had received charts from Captain John Smith, and probably the map presented by Verrazano to Henry VIII, after two unsuccessful attempts to find the northwest passage to Cathay, and transferred his services to the Dutch East India Company, dropped the anchor of his eighty-ton yacht, the *Half Moon*, in the waters of the Lower Bay. He sailed up the "River of the Mountains," as far as the site of the present city of Albany, sending a ship's crew eight or nine leagues farther, until the shallow water warned him he had reached the head of navigation. After a cruise of eleven days, parleying and trading with the natives, during which several of the crew and many Indians lost their lives, he turned the Vlieboot's prow southward and set sail for Holland. Fearing a mutiny among the sailors, he sought refuge

[2] Campbell. Cath. Laymen in N. A. I-112–120.

at Dartmouth, where he was detained by the English authorities, sending a report of the voyage to his employers. Thrilled by the glowing description of the new land, its beauty and fertility, and especially the prospects of a lucrative fur trade, merchants, trappers and adventurers made trips to Mauritius, as the Dutch named the region in honor of Prince Maurice, the Stadt-holder, while Christiaensen, Block, May and other voyagers and traders visited the country and traded with the natives.

When the charter of the New Netherland Company expired, and the private licenses to trade were revoked, the Dutch West India Company was formed in 1621. It was an armed commercial monopoly, to humble the power of Spain, and to enrich its members by the spoils of war and the profits of trade. It was opposed to the Dutch East India Company and proposed to barter trinkets, arms and ammunition with the red men for valuable furs and skins. The work of colonizing the valley was of secondary importance, although its charter bound it, "to, people the fruitful and unsettled parts—and do all that the service of those countries and the profit and increase of trade shall require."[3] The rights and concessions vested in this company were stupendous, even in an age when monarchs were wont to confer principalities on their favorites with the stroke of a pen. "It might make

[3] Roberts. New York. I-32.

treaties, and maintain courts of justice, and employ soldiers in the name of the States General.''[4] In 1623, the States General constituted the newly discovered region a province, granted it the armorial rights of a countship, with a seal, a beaver surrounded by a string of wampum beads, surmounted by a count's coronet, with the legend *Sigillum Novi Belgii*.[5] The good ship, *New Netherland*, arrived early in May in the harbor of Manhattan, with settlers, mostly Belgian Walloons.[6] The Director General made a treaty with the tribesmen, and purchased the whole island of Manhattan for sixty guilders, New Amsterdam was founded, and an out post near Albany fortified to protect the infant settlements and to regulate the traffic with the aborigines.

The location of the colony, its central geographical position with the spacious harbor and wide river, made it an ideal emporium for trade, and brought many immigrants to its shores. As New England was devoted to fisheries and Virginia to tobacco cultivation, New Netherland enjoyed the monopoly of the rich fur trade. The mother country was then one of the foremost nations of the world, her merchant men penetrating the Eastern seas, her navy under Van Tromp, carrying her victorious ensign, a broom at the mast head, token of its superiority through

[4] Ibid. New York. I-31–32.
[5] Van Rensselaer. Hist. City N. Y. I-41.
[6] Bayer. Bel. First Set. N. Y. 139.

the English channel. France and England were awed by her power and were glad to make treaties of alliance with the new republic.[7] In literary and intellectual advance, arts, science, manufacturies, navigation, commerce, she vied with the oldest European states. From this progressive nation adventurous spirits made their way to the settlements on the Hudson, to add fresh laurels to her escutcheon and to amass fortunes by the lucrative trade. The religious controversies and persecutions in New England drove many exiles to her hospitable shores among them, Francis Doughty, who sought "the freedom of conscience he missed in New England," Throgmorton, who landed with thirty-five families, "for the free exercise of their religion," and Anne Hutchinson, notorious in the religious annals of Connecticut and Massachusetts.[8] So great was the influx of people from these colonies that an English secretary was named for the province. In 1661, the States General sought to tempt immigrants by inviting "Christian people of tender consciences in England or elsewhere, oppressed," to make homes within its jurisdiction.[9] As a result of this and earlier propaganda, the little village became most cosmopolitan in character. St. Isaac Jogues, during his sojourn there in 1643, reported that eighteen tongues were spoken by the

[7] Roberts. New York. I-44.
[8] Ibid. New York. I-58–59.
[9] Ibid. New York. I-79.

four or five hundred people of different sects and nationalities at New Amsterdam. Among this babel, he found two Catholics, one the Portuguese wife of the ensign of the garrison, the other, a young Irishman from Maryland who approached the tribunal of penance. "There were already living or tarrying on Manhattan, Dutchmen and Flemings, Walloons and Frenchmen, Danes, Norwegians and Swedes, with some Englishmen, and an occasional Scotchman, Irishman, German, Pole, Bohemian, Portuguese, and Italian. No Spaniards can be identified."[10]

Early in its career, the West India Company, realizing its inability to colonize secured the "Charter of Freedom and Exemptions," permitting it to grant in perpetuity to any one who would plant a colony of fifty souls, the title to a tract of land extending sixteen miles on one side or eight miles on both sides of a river, and as far into the interior as the boundary of the colony. This system implanted on the new province the feudal distinction of patroon and boor, borrowed from certain districts in Holland. The patroon enjoyed certain rights and immunities, could hold court like a baron, and appoint officials, while the tenant had no title to the land. This system had a marked effect on the tenure of land in the colony and during the later years of the Dutch ascendency,

[10] Van Rensselaer. Hist. City N. Y. I-209.

brought frequent protests against its exorbitant demands in regard to the fur traffic.

The immigrants were as divergent in their religious views as in their nationality. The Charter of 1640 allowed no other public worship than the Reformed, an intolerant spirit which had prevailed in the colony from its foundation. Quakers, Lutherans, and other sectaries were forbidden to hold public services, although liberty of conscience, individual belief was permitted within the family circle. The English settlers were either Presbyterians, Congregationalists or Dissenters. The first group was regarded as orthodox in all things, the second in fundamentals, the last unorthodox in doctrines and polity. William Ussellinx, the pioneer advocate of colonization, an ardent Calvinist and an enemy to all heretics and erring spirits, urged the formation of a company, "to prey on the Spanish possessions—to plant there the saving faith and the gospels, whereby the heathens might be rescued from the darkness of idolatry and be preserved from papistry."[11] Although religion was not mentioned in the Charter of the West India Company, religious motives were not neglected in its fulfillment, except that the States General rarely interfered in church affairs. In the new Charter of Freedom and Exemptions, the Dutch Reformed Church was designated as the colonial religion and the Com-

[11] O'Callaghan. Hist. New Neth. I-31.

pany urged to appoint and maintain preachers, school masters and Comforters of the Sick.[12] The presence of the unorthodox worshippers was lamented by Dominie Megapolensis in his protest against the admission of Jews to the province. "For as we have here Papists, Mennonites, and Lutherans among the Dutch; also many Puritans or Independents, and many atheists and various other servants of Baal—who conceal themselves under the name of Christians; it would create a still greater confusion if the obstinate and immovable Jews came to settle here."[13] English Protestants were permitted to take up lands and to enjoy the privileges guaranteed them by the Charter of 1640, the ecclesiastical and civil liberties of the Puritan colonies, although they were not granted freedom of religion like the members of the Reformed Church, but freedom of *their* religion.[14] The other sects did not fare so well. Lutherans might worship within the family and were compelled to discontinue public services, failure to obey this ordinance, punished by threat of fine or imprisonment. Quakers were abhorred as "instruments of Satan—wandering to and fro sowing their tares."[15] Some were imprisoned, others fined or deported from the colony. Jews were likewise persecuted for economic as well as religious

[12] Col. Doc. N. Y. I-123.
[13] Eccle. Rec. N. Y. I-335–336.
[14] Zweirlein. Reg. In New Neth. 144.
[15] Eccle. Rec. N. Y. I-400.

reasons. Stuyvesant especially was prejudiced against them on account of his unhappy experience with them in the island of Curacoa, although towards the end of his tenure of office they were permitted to travel, traffic and reside in the colony. Catholics were a negligible quantity in New Netherland, confined to visitors and seamen, French or Spaniards, with neither church nor priest. The burghers at Fort Orange and New Amsterdam were kind and generous to St. Isaac Jogues and Father Bressani, devoted Jesuit missionaries, victims of Indian ferocity, ransoming them from the savages, nursing them back to health, restoring them to their native lands, and proffered a hearty welcome to Father Le Moyne, in his official capacity, although the ministers would fain have assailed his doctrines, yet impressing on them that dissenters from the established religion were permitted to remain in the colony only through sufferance. The long struggle for independence with Spain, the typical Catholic country, and their infatuation for the doctrines of the quasi-reformers had embittered the Dutch against the Ancient Faith, and brought bitter persecution on its followers. Churches and monasteries were pillaged, schools and institutions burned or appropriated for the new innovation, monks and friars burned at the stake, many of the faithful imprisoned, fined or exiled. The defeat of the Spaniards, the proclamation of independence brought additional sufferings

to the Catholics, priests were expelled, Mass forbidden, schools closed, literature interdicted. In New Netherland there is but one example of discrimination against a Catholic. In 1658, one Nicholas, the Frenchman, with several others, refused to contribute to the support of the Reformed Church and were summoned to court. "He insolently pleaded, making frivolous excuses—that he was a Catholic, that he did not understand Dutch." He and his companions were fined twelve guilders as a warning and an example to others.[16] Except in the South River regions, no religion could be practised outside the family circle. No person except the Quaker, who was outlawed, could be molested for his personal faith, but all were obliged to pay tithes for the support of the established church. No religious qualifications were required for citizenship, except in the case of a Quaker, but the officials were invariably chosen from the membership of the Reformed Church.

The main source of trouble lay in the weakness or violence of the Directors General and their unwillingness to grant the people a share in the government. Chosen by the Company, they were eager to promote trade rather than to colonize and upbuild the peace and prosperity of the settlers and the province. The series of bloody Indian wars was another cause for complaint, bringing death and destruction to the

[16] Ibid. I-420.

feeble and scattered inhabitants. The early land transactions with the natives were honest and honorable, the two races regarding each other with amity and admiration, but towards the close of Minuit's administration, an unfortunate alliance with the Mohegans against the powerful Mohawks, brought death and partial destruction to Fort Orange. The controversy between the Patroons and the Company, in regard to the fur trade, brought about his recall. He was succeeded by Van Twiller, a former clerk in the Company's office who had married a niece of Van Rensselaer, the most wealthy Patroon. He was hot-tempered and quarreled with the leading men of the settlement, Dominie Bogardus styling him, "a child of the devil." Anxious to increase the emoluments of the Company, he gave a sorry exhibition of his personal traits in exercising arbitrary authority. His successor, Kieft, had had no experience in colonial matters, and his mercantile record at Rochelle was far from creditable. His violence and greed in demanding tribute from the red men provoked a war which well nigh ruined the infant colony. To stem the tide, the Directors named Peter Stuyvesant, who had won fame and laurels in the West Indies for his courage and had lost a leg in his country's service. "He was autocratic in manners, decided in speech, and prompt in action."[17] He, "strutted

[17] Roberts. New York. I-69.

like a peacock—as if he were the Czar of Muscovy," relates one ancient chronicler. He continued the arbitrary conduct of his predecessor. Yet, withal, "he was upright and sober, in his private life, intelligent in military and diplomatic affairs, impulsive by nature, but prudent in the face of difficulties, and singularly energetic and conscientious in performing his whole duty as he saw it."[18] The finance and trade of New Amsterdam were at a low ebb, many of the buildings falling in ruin, the fort almost dismantled, the people poor and their morals loose, intemperance, poverty, shiftlessness on every hand. His plans for reform were resented by the officials, and the people, financial conditions were acute, and the Director was accused of extravagance and neglect. Encroachments on the Company's territories were halted, unpopular officers removed from their positions, the Swedes humbled and expelled from the South River colony, burgher government organized in the infant city. Yet the air of dissatisfaction pervaded every heart and the province seethed with complaints akin to rebellion.

"One of the last acts of Stuyvesant was to welcome a company of French Huguenots, and in spite of his own previous attitude, one of his last communications to his directors proclaimed that it, 'would be highly desirable that the yet waste lands which might feed

[18] Van Rensselaer. Hist. City N. Y. I-263.

a hundred thousand inhabitants should be settled and cultivated by the oppressed, on the one side by the Roman Catholics in France, Savoy, Piedmont and elsewhere and on the other by the Turks in Hungary and upon the confines of Germany.'"[19] Catholics although tolerated, were not highly esteemed by the Dutch Protestants. The Mennonites who emigrated around 1612, and settled on the Delaware, declared in their Act of Association: though the Society was to be composed of persons of different creeds, "yet all intractable persons such as those in communion with the Roman See, usurious Jews, English stiff-necked Quakers,"[20] were to be excluded. Catholics were evidently few during the Dutch occupation, although the annals state: "this missionary, Pere Le Moyne took occasion to visit New Amsterdam for the purpose of affording spiritual comfort to the Catholics residing in that city, as well as to some French sailors who had recently arrived with a prize at that port."[21] Dominie Selyns, writing to the Classis of Amsterdam, (1682) states: "As to papists, there are none; or if there are any, they attend our services or that of the Lutherans."[22] During Dongan's tenure of office some Catholics held official positions, but after the Leisser rebellion and the proclamation of the intolerant

[19] Roberts. New York. I-95.
[20] O'Callaghan. Hist. New Neth. II-467.
[21] Eccl. Rec. N. Y. I-404.
[22] Ibid. II-830.

statutes against Catholics, they were few and kept their religion secret. Nor did the Catholic population increase during the English occupation. Mayor Merritt, in 1696, at the orders of Governor Fletcher returned a list of nine Catholics dwelling in the city. Heading the list was the redoubtable Major Brockholls, an English Catholic, deputy during the first administration of Andros, and an official during his second term. He had wooed and wed an Albany maiden, Susanna Schrick, a member of the Dutch Reformed Church, and his five children were baptized according to that rite. Another incident during Dutch supremacy shows clearly the respect for the Reformed religion. One Jan Van Loon was arranged before the sheriff in 1681 for upbraiding and injuring the character and reputation of Marten Cornelis, who had embraced the Protestant cult. Jan denounced him for his apostacy, saying he had turned from God to the devil. He was fined eight hundred seawan.

The root of the trouble lay in the desire of the inhabitants for a share in the government and the refusal of the States General and the West India Company to grant their demands. The bulk of the population was from England and Holland, people impregnated with strong democratic principles and an unquenchable desire for representation in the legislative government. They were inspired by the valor of their forebears in Catholic times, who had

wrung from unwilling tyrants the two great documents, "The Great Privilege," extorted from the ruler, Mary, the daughter of Charles the Bald of Burgundy, by the brave burghers in 1477, by which their ancient rights were restored and preserved, giving the citizens the right to choose their own magistrates, to hold their own courts, and emphasizing the principle that taxes must not be levied unless through the consent of the governed, and through their representatives, and "The Magna Charta," won from the haughty King John by the barons, with a Catholic Cardinal at their head, the corner stone of English liberty and the source of our own beneficient laws. Holland was a republic with a weak central government. England on the contrary had a strong central power with a popular representation in Parliament. The union of the Netherlands was merely a compact between the seven provinces under the military leadership of the stadholder, as no state gave up its rights, the ruler had no share in the government. The States General was not a legislative body in the modern meaning of the term, the delegates were rather envoys, with explicit and detailed instructions in regard to the policies of state and in doubt must refer back to the provincial body. The religious-political contest between the rival parties, the Orangists, led by Maurice of Nassau, the stadholder, the Arminians, by John of Barneveld, the champion of

state rights, peace for the nation, independence in religious views, ended in victory for the former, the popular leader was executed and the Dutch West India Company organized. His worst fears were realized, the company primarily sought a commercial monopoly of the fur trade, while colonization and the welfare of the settlers were only of secondary consideration. The English settlers had emigrated from their old homes to Holland and thence to Massachusetts to enjoy civil and religious freedom but the rulers of the new domain, although they had fled from tyranny in their own land, were narrow and fanatical, forming a religious oligarchy, a theocracy patterned after the rigid teachings of the Old Testament. Church membership was a necessary qualification for citizenship and those who would not conform to their teachings were fined, imprisoned, exiled or executed. By settling in large numbers in the Dutch colony they hoped to enjoy spiritual and temporal peace. Both English and Dutch maintained the right to choose their own municipal officers and the principle that taxes shall not be levied without the consent of the people. The West India Company, however, ruled with an iron hand; all were taxed for the support of the Reformed Church, and only an earnest and bitter fight gave them the right to choose their own magistrates. The Directors were chosen by the company, and its prosperity not the welfare of the settlers was

their aim. Petitions sent to the governors were rejected with the same scorn as Stuyvesant's answer to the demands for an assembly. "We derive our authority from God and the Company, and not from a few ignorant subjects and we alone can call the inhabitants together."[23] Little wonder the people protested: "The company flung a lot of hare-brained folks into Manhattan to be their guides and rulers and wanted to fill the land not with independent settlers but with its own servants and tried to reap profits before they could be rightly expected."[24] The people divided and disgusted, the company in financial difficulties, the States General apparently apathetic, the defences falling into ruin, the little colony was bound to fall a prey to some aggressive European power.

[23] Roberts. New York. I-82.
[24] Van Rensselaer. Hist. City N. Y. I-110.

CHAPTER TWO

New York

ENGLAND claimed the Atlantic seaboard, from the Spanish settlements in Florida to the frozen wastes of Labrador by virtue of the discoveries of John Cabot or Cabatto, a compatriot of Columbus, who in 1496, secured a royal patent, "to make discoveries in the eastern, western or northern seas, granting him dominion over all islands so discovered."[1] In the following year, he sailed along the Atlantic coast for three hundred leagues in a tiny bark with a crew of eighteen men. In 1498, he undertook a second expedition, in which "he followed the coast of North America down to the latitude of South Carolina, or perhaps farther."[2] These discoveries were barren of results for two generations, as the Britons were essentially an agricultural and pastoral people, just entering commercial and industrial fields. Although the English sailors, active, vigilant, brave, had visited Iceland and Greenland, according to the chroniclers, and her

[1] Bourne. Sp. In Am. 55.
[2] Ibid. Sp. In Am. 61.

hardy fishermen had invaded the Grand Banks, her mariners seemed more interested in seeking the fabled North West Passage, than planting colonies along the bleak coasts of North America. During the reign of Henry VIII, many expeditions were proposed, but it was not until the days of Elizabeth that active measures were begun to secure the new Lands. Her daring sea captains, little better than pirates, preyed on Spanish commerce, waylaying the treasure ships in times of peace. Although the Queen protested against the all-embracing claims of Spain, yet in her instructions to Sir Humphrey Gilbert she only authorized him, "to discover and occupy any remote and civilized lands, 'not actually possessed of any Christian prince or inhabited by Christian people,'" and when the patent was transferred to his half-brother, Sir Walter Raleigh, she repeated the warning.[3] During an earlier voyage, Gilbert set up the English arms in Newfoundland and "took possession for his queen by right of the discoveries of John Cabot."[4] The voyages and explorations of Gosnold, Pring and Smith confirmed the English claims to the vast territory.

England resented the establishment of the Dutch settlements along the Hudson as an unwarranted infringement on her rights. Although Oliver Crom-

[3] Van Rensselaer. Hist. City N. Y. I-10-11.
[4] Ibid. Hist. City N. Y. I-11.

well visioned a great Protestant commonwealth, with equal participation in commerce and trade to humble the power of Spain, yet in 1654 he had planned an expedition to reduce the Dutch colonies. In 1657, his Secretary of State, John Thurloe, "ignoring the Protector's recognition of the rights of the republic" to its American possessions, maintained that, "the English had the best right to this region because of the discoveries of Cabot,"[5] but no hostile move was made. Connecticut had appropriated the Dutch possessions along the Fresh River, Maryland claimed the South River settlements by virtue of her charter grants, the English settlers on Long Island were disaffected, petitioning the rulers of Connecticut, "to cover them with the skirts of their government" as a protection in this "bondage of the Dutch."[6] On the accession of Charles II, the Dutch Republic hoped for better treatment, but with equal indifference to the charter rights of Connecticut and the vested possession of Holland, he granted to his brother James, Duke of York and Albany, all the lands from the St. Croix to the Kennebec Rivers, from the Connecticut River to Delaware Bay. An expedition was formed to capture the city and annex the province, recruits were sought in Massachusetts and the other New England colonies to assist the invaders. Fear

[5] Ibid. Hist. City N. Y. I-383.
[6] Ibid. Hist. City N. Y. I-410.

and anxiety prevailed in the infant city, the rulers were apathetic or optimistic.

In August, 1664, four English frigates, mounting one hundred twenty guns, and carrying a little army of five hundred soldiers appeared before New Amsterdam and demanded its surrender. The brave but irascible Stuyvesant prepared to resist the invaders and called on the citizens to defend the city. The weakness of the defences, the feebleness of the garrison, the lack of powder and the scarcity of food precluded all hope of a successful resistance. Moreover, the inhabitants, dissatisfied with Dutch rule gave willing ear to the promises of greater liberty. The remonstrances of the chief citizens, headed by Dominie Megapolensis, finally prevailed over the headlong valor and stubborn courage of the gallant warrior. The white flag of surrender floated from the ramparts of the fort; the invading army, reinforced by several hundred volunteers from New England, took possession of the city, and the rule of the Dutch republic was at an end. The fort and city were named Fort James and New York in honor of the royal proprietor, who had conquered the province. Nine years later, during the war between England and Holland, a Dutch fleet recaptured the city, but the treaty of Westminster, signed the following year, restored it to the Duke of York.

The change of owners and government was welcomed by the majority of the citizens, mainly emigrants from England and Holland, the two European countries most deeply impregnated with democratic principles. Under its former rulers, New Amsterdam was merely a trading post; the outlying settlements, depots for collecting beaver skins and other peltries, the staple wealth of the province; the governor, a salaried official, of the Company laboring to increase the revenues, thus insuring his continuance in office. The people demanded a share in the government, but their petitions were either unheeded or bluntly rejected. The cupidity of the agents and their unjust and selfish policy with the aborigines brought bloody reprisals, and on several occasions, the province was on the brink of ruin. The liberal reforms promised by the conquerors filled the people with joy and hastened the fall of the Dutch power. The Batavian settlers were promised security in their property rights, full liberty of conscience in religious matters and the maintenance of the ancient customs in regard to inheritances; the English colonists hailed the event as a deliverance from foreign slavery. An oath of allegiance was required from all the settlers while they remained in the colony, but no renunciation of Dutch citizenship or loyalty was demanded. The Dutch garrison was embarked on a vessel bound for Holland, the auxiliaries from Long Island and New England were

barred from the city, the English forces took possession of the fort.

Governor Nicholls was a bluff, brave warrior, clothed with arbitrary authority by the Duke, to frame all laws and to administer the government. He called a meeting of two delegates from each town to consider a new code of laws; but as the members demanded the right to elect their own officers, it was refused, as contrary to the Duke's commission, and the laws were promulgated. They established courts, town officers and rates, required a church in every parish, and every minister must have a testimonial of ordination. It likewise provided that, "no person shall be molested, fined or imprisoned, for differing in matters religious who professes Christianity."[7] These regulations were introduced gradually, lest they wound the susceptibilities of the former settlers.

His four year's administration was difficult, the colony was poor, Indian troubles broke out, the suspension of the trade with Holland brought financial disaster. Yet he bore the good will of the people and won the approbation of the proprietor. His successor, Lovelace, a court favorite, promoted closer relations between the Dutch and English settlers, and maintained religious toleration for all, but when the people petitioned him for a legislature, to be elected by the free-holders, he refused saying he had no authority to

[7] Roberts. New York. I-98.

grant it and that "nothing was required of them but obedience and submission to the laws of the government, as appears from His Highness' Commission."[8] The people retaliated by refusing to pay the levy for the repairs to the fort.

During his tenure of office, a hostile fleet appeared in the harbor, and the city once more was under Dutch rule. The Governor was taken a prisoner to Europe, charged with financial inaccuracies, and his estate was confiscated. By the Treaty of Westminster, 1674, the city and province were restored to England, and Major Edmund Andros, a brave soldier and a member of the royal household was commissioned Lieutenant and Governor of the territories of the Duke of York in America. Although well received by the people, his rule was harsh, many of the prominent burghers were threatened with imprisonment for objecting to the oath of allegiance and he engaged in a religious controversy. Although these English rulers were more diplomatic and polite than Kieft and Stuyvesant they were equally autocratic in their conduct. Popular government was again demanded and refused; taxes were excessive and restrictions were placed on trade; Connecticut claimed a portion of the Hudson valley; New Jersey was encroaching on the Duke's dominions and trade; William Penn cast longing eyes on the valley of the

[8] Roberts. New York. I-102.

Susquehanna; the Indians were restive and planning war; the French were threatening the frontier towns.

Charges of favoritism and peculation were made against Andros, who was summoned to London to explain his conduct. After his departure, the merchants refused to pay the custom duties, claiming that the three years' agreement with the Duke had expired, and in the absence of the governor could not be renewed. Captain Anthony Brockholls, the deputy, endeavored to enforce their payment but was unsuccessful. The whole province was seething with rebellion when in 1682 news arrived that Andros had been exonerated from all blame, made a gentleman of the King's Privy Chamber and relieved from office, and that Colonel Thomas Dongan, an Irishman and a Catholic, had been appointed Lieutenant and Governor of the Province of New York.

CHAPTER THREE

The New Governor

THE Dongan, or O'Dongan, or Donegan family was a famous Irish sept tracing its origin to Melesius, King of Spain, through the line of his son, Heremon. The ancient name was Donoghad, signifying, Destroyer.[1] O'Hart, however, in his genealogy of Irish families, traces the name to English or Anglo-Norman sources.[2] The founder of the clan was Conchorb of the Clanna Failge tribe, the chief, Prince of Ara in the present county Tipperary, although some historians aver it was of Ulster origin, or according to the Annals of Innisfallen, Princes of Muscraide Thiri with branches in Cork and Limerick, chiefs of Muscry of the Three Plains, now the barony of Orrery in the County of Cork. Since the fourteenth century, the Dongans were noted for their devotion to their country and its religion, their prominence in all national movements and their great landed possessions. They were especially devoted to the Stuart house and during the parliamentary wars loyally

[1] Rooney. Genealogy of Irish Families. 162.
[2] O'Hart. Irish Pedegrees.

supported King Charles I. After his execution and the advent of Cromwell to the Protectorate, the family lost its estates and its leading members sought safety in France. At the restoration of Charles II, their lands were restored and when James II succeeded to the throne, in remembrance of the gallant service of the family, he created William Dongan, Viscount Dongan of Claine in Kildare, and Earl of Limerick. He was successively a member of the Royal Privy Council of Ireland, Governor of Munster, and a member of the Irish House of Lords in the Dublin Parliament. After the battle of the Boyne and the triumph of William of Orange, the Earl fled to France with the exiled James, thereby forfeiting more than twenty-six thousand acres of demesne in Carlow, Dublin, Kildare, Kilkenny, Longford, Meath, Tipperary and Queen's Counties. William III conferred all his estates on De Ginkel, the Dutch General, and named him, Earl of Athlone. His son, Lord Walter Dongan, who commanded the best regiment of dragoons in the King's army, was killed at the battle of the Boyne, after performing prodigies of valor.

Thomas Dongan, the youngest son of Sir John Dongan, a cavalry officer, a member of the Irish parliament, and a large landed proprietor, was born in 1634 in the Manor House of Castletown, Kildrought, County Kildare, Ireland. His mother was a Talbot, one uncle the Archbishop of Dublin, the other

Richard, Earl of Tyrconnell, Lord Deputy of Ireland under James II. The Talbots and Calverts were distantly related, a singular coincidence, as Dongan and Calvert proclaimed religious liberty in New York and Maryland. Sir Walter Dongan, his eldest brother was an ardent patriot and a militant Catholic, one of the Irish chieftains who formed the Confederacy of Catholics at Kilkenny in 1646. He died without issue, and the second son, William, succeeded to his titles and estates. He was an ardent supporter of the Stuarts and after the triumph of the Parliamentary Party, and the accession of Oliver Cromwell, as Protector, fled to France. With him, went his younger brother, Thomas, a lad of fifteen, who received a commission in the French army and for nearly thirty years fought bravely for his adopted country, participating in all the famous campaigns of Marshal Turenne, until his untimely death.

In 1678, Charles II ordered all English officers to leave the French service and return to their own country, and although Dongan was colonel of a regiment with a salary of five thousand pounds a year, he obeyed the royal command, resigned his commission and returned to England, leaving behind him arrears of pay, amounting to twenty-five thousand livres. Writing to M. de Denonville, the Governor General of Canada, July 27th, 1686, Dongan says: "When my Prince called me out of the French service,

twenty-five thousand livres were due to me as was stated and certified to Mons. De Lenoy by the Intendant of Nancy. My stay was so short that I had no time to kiss the King's hand and petition for it. I request you to espouse for me that which is due me."[3] The King in a letter to De Denonville and Champigny denied all obligations. "His majesty has no knowledge of the claim of Colonel D'Ungent for twenty-five thousand pounds which he pretends to be due him in France; therefore he has nothing to say about it."[4] Unfortunately for His Royal Highness, the official records substantiate the claims of the Irish Colonel.

On his return to England, Charles commissioned him a general officer in the army mustered to invade Flanders and humble the French monarch, with an annual pension of five hundred pounds for life. He had won much renown in French army circles, and received the most tempting offers of promotion from Louis, but loyalty to his king impelled him to return to his service and forfeit the fruits of his thirty years' labors in the service of France. He was ready and willing to fight against his own former comrades at the behest of his monarch, but did not join the army, being named Lieutenant-Governor of Tangiers, then a much prized fortified post, the dower of his wife from Alphonso V of Portugal, but afterwards blown

[3] Doc. Hist. of N. Y. I-210.
[4] Ibid. I-232.

up and abandoned. It was not a lucrative position as he says, "My going to Tangiers did not enrich my condition. Expenses did more than balance my profit." He served two years at the post, was recalled, and after a visit to his old home, went to London where he mingled in the gay company at court and in social circles. Here he met the Duke of York, with whom he had served some years on the continent, now harassed by the gloomy reports from his American colony. His long and honorable service with the French forces had made him conversant with the French character and diplomacy, and his campaigns in the Low Countries had given him a knowledge of the Dutch language and customs. These, together with his natural affability and tact, were ideal qualifications in a colony where English, French and Dutch settlers predominated and made him a worthy adversary for the Canadian Governor, who was casting longing glances on Central New York, and planning the subjugation of the powerful Five Nations. On September thirtieth, 1682, James named him Vice Admiral in the Navy, and Governor of the colony of New York.

An old renovated frigate, the *Constant Warwick*, of forty-six guns dropped anchor off Nantasket, in August 1683. Its principal passenger was Colonel, the Honorable Thomas Dongan, who bore the Duke of York's commission as his Lieutenant and Governor

of the Province of New York including the district of Pemaquid in Maine, and the islands of Nantucket and Martha's Vineyard. He was received by the Massachusetts officials, the notables of the town and a troop of Boston militia and escorted on his journey to his post. With him was his chaplain, the Rev. Thomas Harvey, S. J. He crossed Long Island Sound, passing through the little settlements on the eastern end of the island, meeting delegations from the Indian tribes, and on August twenty-fifth arrived at the capital of his new colony. New York was then a city of four thousand inhabitants, as cosmopolitan as in the days of St. Isaac Jogues when eighteen languages were spoken. Its northern boundary was the present Wall Street and beyond the wooden stockade which gave the street its name, were woods where wild animals roamed and lurking Indians prowled. Shortly after his arrival a bear hunt took place in an orchard situated between the present Maiden Lane and Cedar Street. His colony was vast, including not only the present state of New York—although its boundaries were not accurately determined—Martha's Vineyard, Nantucket and Elizabeth Island—now part of Massachusetts—and the territory of Pemaquid, all the land between the Penobscot and St. Croix Rivers in Maine. Crowds of English, Dutch, French, Indians and Negro slaves filled the streets near the walls and the feeble fort through which his retinue passed, giving voice to

their delight as it was reported he had come empowered by the Proprietor to adjust all the difficulties which had depressed the people. The next day Mass was said in the fort, by his official chaplain, Father Harvey, probably assisted by Father Forster, Superior of the Maryland Missions.

The new Governor was well received by the citizens, his stalwart, soldierly figure arousing their admiration, his affability and tact, captivating their hearts. His commission and his instruction respecting the special privileges to be accorded to the province aroused enthusiasm in every heart. "Mr. Dunghan," says the Rev. Henry Selyns, in his report to the Classis of New Amsterdam, October twenty-first, 1683, "our new governor has at last arrived. His excellency is a person of knowledge, refinement and modesty. I have had the pleasure of receiving a call from him and I have the privilege of calling on him whenever I desire."[5] The Sheriff of the Province in an address to the Duke of York wrote: "We do therefore beseech your royal highness to accept our most humble and most hearty thanks for sending us over the honorable Colonel Thomas Dongan, to be lieutenant and governor of this province of whose integrity, justice, equity and prudence we have already had a very sufficient experience at our last general Court of the Assizes."[6] The Dutch Reformed congregation on

[5] Eccl. Rec. N. Y. II-867.

[6] Bennett. Catholic Footsteps in N. Y. 89.

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its day of thanksgiving offered up prayers for his health and success. "Wherefore, the Consistory of the congregation have resolved—to appoint the coming day of rest—as a special day of Thanksgiving, Fasting and Prayer, for the purpose of thanking God for his undeserved compassion and at the same time—to entreat him with loyal and earnest prayers, to preserve, his Royal Majesty of Great Britain, (Charles Second), to bless the Duke of York, (James) and his Governor, (Dongan), and to spare his church."[7] The corporation entertained him at a banquet presided over by Mayor William Beekman at which the leading citizens were present and a round of receptions and hospitalities followed. After the festivities and rejoicings, the new Governor assumed the reins of power, selected and swore in his council, appointed his provincial officials and began the work of governing.

[7] Eccl. Rec. N. Y. II-873.

CHAPTER FOUR

The Assembly and the Charter

GOVERNOR Dongan felt that the future peace and prosperity of the colony could be restored only by granting the people a voice and a vote in the government. Under the Dutch regime, the governor was merely a servant of the West India Company, striving to increase the revenues, rather than to colonize the lands or to make the settlers contented and happy. Under English rule, the same narrow policy was adopted, indeed popular suffrage was not relished either in the Republic with its traditions of the "Great Privilege," nor in England redolent of the spirit of freedom, inspired by "Magna Charta." The heavy and unjust taxes, the restriction on trade, the greediness of the Company, the peculations of the office holders had aroused in the settlers a feeling of resentment culminating in the downfall of Dutch supremacy and revolt against the English methods, and the cosmopolitan population was seething with rebellion when the new governor arrived. The Duke evidently realized the critical conditions, and his instructions to Colonel Dongan

were clear and explicit. "You are also with the advice of my Council, with all convenient speed after your arrival there, in my name to issue out Writts or Warrants of Summons to ye several sheriffs—that I have thought fitt that there shall be a General Assembly of all the Freeholders of the province who they shall choose to represent them. It is my resolution that ye said General Assembly shall have free liberty to comment and debate among themselves all matters as shall be apprehended proper to be established for laws for the good government of the said colony of New Yorke and Dependencyes and that if such laws shall be propounded as shall appear to me to be for the manifest good of the Country in generall, and not prejudicial to me, I will assent unto and confirme them."[1]

In September, the Governor and his Council met and issued a summons for the Freeholders of New York, Long Island, Esopus, Albany, and Martha's Vineyard to select delegates to meet in General Assembly to consult with the Governor and Council, "What laws are fit to be made and established for the good weal and government of the said colony and the dependencies thereof."[2] The call caused rejoicing in every place except the eastern districts of Long Island where some suspicious partizans

[1] Eccl. Rec. N. Y. II-847.

[2] Bennett. Cath. Footsteps in N. Y. 88.

pronounced it, "a popish plot." One biased historian, commenting on the Duke's action in calling the Assembly attributes his liberality to the advice of William Penn and says: "And thus by the persuasion of a Quaker, (once so odious), did a bigoted Roman Catholic prince give orders to a papistical governor to introduce a popular assembly elected by the people themselves who before had no share in the government; an event similar in principle and of nearly equal importance to that glorious independence which their descendants procured for themselves in less than a century later."[3] The conversion of the Duke of York to the Catholic faith had aroused the latent bigotry of the Anglicans and Calvinists and he was stigmatized as an implacable enemy of civil liberty and religious toleration. Yet his primary object at home and abroad was to abolish the disabilities under which his coreligionists groaned and to establish liberty of conscience throughout the realm. But his motives were misconstrued, his words misinterpreted, his sincerity questioned. His appointment of Dongan, his authorization of a popular assembly, his proclamation of religious toleration were surely proofs of his sincerity, confirmed in later years when he forfeited the English throne rather than forsake the true church of Christ.

[3] Thompson. Hist. of Long Island. 136.

By virtue of the writs issued by the new Governor, seventeen delegates from New York, Long Island, Esopus, Schenectady, Albany, Rensselaerwyck, Harlem, Staten Island, Martha's Vineyard, Nantucket and Pemaquid, met at Fort James on October fourteenth 1683, an epoch-marking date in the history of the colony. Its presiding officer and guiding genius was Thomas Dongan, the first and only Catholic governor of the province, a statesman who for broad-mindedness and sympathy as well as executive ability is one of the most able, sincere leaders in colonial history. The acts of the Assembly, enunciated truly Catholic principles, erected the scattered settlements into a Province on a broad tolerant basis, and gave the assembly and its acts a permanent place in the history of the colonies, the Magna Charta of American liberty, breathed into that immortal document, the Declaration of Independence, nearly a century later. Unfortunately the Journal of the proceedings was lost, yet we know it remained in session for three weeks, chose Mathias Nicholls as Speaker and John Spragge as Clerk, and passed fourteen acts the most important of which was, "The Charter of Liberty and Privileges, granted by His Royal Highness to the inhabitants of New York and its dependencies."[4] In the preamble the famous charter states: "For the better establishing the Government of this Province New York, and

[4] Eccl. Rec. N. Y. II-864.

that Justice and Right may be equally done to all persons within the same: Be it enacted by the Governor the Council and Representatives now in general assembly met and assembled and by the authority of the same.

"That the Supreme legislative Authority under His Majesty and Royal Highness James Duke of York, Albany etc., Lord Proprietor of the said Province, shall for ever be and reside in a Governor, Councell, the people met in general assembly."[5]

"The peopie" are mentioned for the first time in American history, premonitory of the democratic spirit which a century later was to permeate the Constitution of the New Republic. Following out the principles of the English Constitution that the King has the right to legislate in conjunction with the two houses of Parliament, the colony was to have two legislative bodies, the Council and the Assembly, the Governor having the right of veto. It was a principle of liberty for which Englishmen had fought and now enjoyed and the liberal-minded governor wished to confer it on all his subjects. The other clauses were equally important:

"That according to the usage, customs and practise of the realm of England, a session of a general assembly be held in this Province, once in three years at least.

[5] Ibid. II-864.

"That every Freeholder within this Province and Freeman in any corporation, shall have his free choice and vote in the Electing of the Representatives, without any manner of constraint or imposition and that in all Elections the Majority of Voices shall carry it, and by freeholders is understood every one who is so understood according to the laws of England.[6]

"The assembly shall be the sole judge of the qualifications of its members, representatives shall be paid sixteen shillings a day for each day of actual service, and for sixteen days of travel, and during the session or when going or returning no representative shall be arrested unless charged with high treason or felony. No one shall be punished by the state unless found guilty by a jury of his peers, after due process of the law, no taxes shall be levied unless with the consent of the assembly, no soldier or sailor shall be quartered on the inhabitants unless during actual warfare, and martial law shall not be proclaimed. No court shall sell a man's property without his consent, unless in satisfaction of a just debt, and a widow, after her husband's death, shall have as her dower the third of all the lands of her husband."

In addition the Assembly passed an act for the naturalization of foreigners so that all Christians might receive the privileges of citizenship by taking the oath of allegiance, a provision adopted by the

[6] Ibid. II-864.

Fathers of the Republic which has made her the home of the oppressed of every land and cemented the emigrants into the homogeneous mass of the American people. In obedience to the charter, twelve counties were organized, New York, Westchester, Ulster, Albany, Dutchess, Orange, Richmond, Kings, Queens and Suffolk within the present limits of the state, Duke's, comprising Nantucket, Martha's Vineyard, Elizabeth and No Man's Land, and Cornwall, including Pemaquid and the adjacent islands. A complete system of courts was also provided; Town Courts, held every month by the Commissioners of the Peace; County Courts, meeting annually or semi-annually as required: Courts of Oyer and Terminer in civil or criminal cases; a Court of Chancery, the Supreme Court consisting of the Governor as Chancellor and his Council. Two years later a Court of Exchequer, to settle disputes concerning lands and revenues was established. The Assembly also passed a General Revenue Act appointing for each county a board of Commissioners to collect a tax of one penny in the pound on all estates, real and personal, as a free and voluntary present to the governor for one year and the customs and excise duties were voted to the Duke. On October twenty-sixth the assembly sent the Charter and other enactments to the Governor and Council and it was promptly signed and returned.

"After three times reading it is assented,
to by the governor and Council, this
thirtieth day of October, 1683.

"John Spragge, clerk of the Assembly, Tho. Dongan."

On the next day, the Charter was solemnly proclaimed at the City Hall in the presence of His Honor, the Governor, the Council and the Representatives, the Deputy Mayor and Aldermen and the assembled citizens. It was then sent to England to be approved by the Duke of York. A second session was held October, 1685 at which various acts concerning the Courts, military organizations and town officials were passed and approved by the Governor and Council.

CHAPTER FIVE

Religious Toleration

IN the primary clauses of the Charter the civil rights of the people and the individuals were safeguarded, but in the final ordinance the rights of conscience were assured to all. "That no person or persons which profess faith in God by Jesus Christ, shall at any time be anyways molested, punished, disquieted, or called in question for any difference in opinion or matter of religious concernment who do not actually disturb the civil peace of the Province, but that all and every such person or persons may from time to time and at all times freely have and freely enjoy his or their judgements or consciences in matters of religion throughout all the Provinces, they behaving themselves peacefully and quietly, and not using this liberty to Licentiousness nor to the civil injury or outward disturbance of others."[1] The religious beliefs of the settlers were as divergent as their nationalities. In Governor Dongan's report to the Committee on Trade, February twenty-second, 1687, he gives a vivid pen picture of the different sects in the province.

[1] Eccl. Rec. N. Y. II-864.

"Here bee, not many of the Church of England; few Catholics; abundance of Quakers preachers men and women especially; Singing Quakers, Ranting Quakers; Sabbatarians; Antisabbatarians; Some Anabaptists, some Independents; some Jews; in short of all sort of opinions there are some, and the most part of none at all. The most prevailing opinion is that of the Dutch Calvinists."[2] Yet the Governor with due respect to the rights of conscience gave complete toleration to all sects and provided for the erection and maintainance of the church edifices. All churches were to be privileged churches, and each town by a two thirds vote might establish any religious community but all the inhabitants were bound to contribute to its support although members of a different sect. "And in confirmation hereof, it is enacted by the Governor, Councell, and Representatives—and if any towne of said Island, (Long Island) shall make default deny or withdraw from such payments so covanented to, agreed upon and subscribed, upon complaint of any Collector appointed, any Justice of that County upon his hearing the same, is hereby authorized, empowered and required to issue out warrants unto the constable or his deputy—for the collection of said rates, or agreements, to levy upon the goods and chattels—with costs and charges; Provided always the said sums bee under forty shillings otherwise to be

[2] Doc. Hist. N. Y. I-186.

recovered as the law direct."[3] These ordinances were thoroughly in keeping with the instructions of the royal proprietor to the Governor, that religion must be safeguarded, churches erected and supported, debauchery and drunkness eliminated, swearing and blasphemy discouraged and public ill fame made a bar to appointment to civil office, repeated and reiterated when the Duke ascended the English throne, and impressed on Andros when selected as the Governor of the United Province of New England.[4]

It has been gratuitously assumed by opponents of the Duke and the Governor, that as the Charter of Liberties and Privileges granted religious freedom only to "all who believed in God through Jesus Christ," that the Jews were disbarred from public worship. They petitioned the Governor "for liberty to exercise their religion." He recommended the petition to the Council and the corporation which declared that no public worship was tolerated by Act of the Assembly, except based on faith in Christ.[5] As in Maryland, the Jews enjoyed complete toleration. A synagogue was established and public worship held during Dongan's tenure of office.

Under the Dutch regime, the Reformed Church was the state religion, although other sects orthodox in all things, or in fundamentals were permitted, but

[3] Eccl. Rec. N. Y. II-864-65.
[4] Ibid. II-897-954.
[5] Bennett. Cath. Foots. N. Y. 99.

all Dissenters were unwelcome, although tolerated through the kindness of the church rulers. Catholics were few, as Dominie Selyns attests in his letter to the Classis of Amsterdam, in 1682. "As to Papists there are none; or if there are any, they attend our services or that of the Lutherans."[6] During Dongan's administration, some Catholics came to the province in official capacities, among them Anthony Brockholls, who had served as Deputy under Andros, Matthew Plowman, Collector and Receiver of Customs, Jervis Baxter, a Provincial Councillor, and Captain Talbot, the Governor's nephew. During the Leisler usurpation, all Catholics were disarmed, soldiers sent to subjugate "papist" infested Staten Island and writing to an admirer in New Haven the spurious ruler declares: "I hope before two days to one end to have some papists disarmed and also their Idolls destroyed which we heare are daily still worshipped."[7] This undoubtedly refers to the chapel in the Fort from which Father Harvey, S. J. had saved the sacred vessels and vestments, concealing them in the home of a prominent judge, who in later years suffered many taunts for his kindness to the hunted priest.

In the Dutch period, various missionaries were ransomed from the savages, brought to New Amster-

[6] Eccl. Rec. N. Y. II-830.
[7] Bennett. Cath. Foots. N. Y. 146.

dam and returned to their homes and Father Le Moyne paid a visit to the little settlement. During the wars, French and Spanish prisoners were brought to New York with occasional Catholic visitors from Maryland and Pennsylvania. During Dongan's administration Father Thomas Harvey, S. J. said Mass in the Fort and his colleagues, Fathers Henry Harrison and Charles Gage came to the city probably to engage in missionary work among the Indians. Many Christian slaves captured in raids on the Spanish possessions were sold into slavery in the province. The Governor was most solicitous for the welfare of these Christian captives: "It was forbidden to a Christian to keep a slave except persons adjudged thereto by the authority or such as have willingly sold or sell themselves." In New England, Indians were treacherously seized and sold and in New York Christians, kidnapped in the West Indies or South America, were held in abject subjection. This inhuman treatment was repugnant to the religion and nationality of Dongan who ordered that all Indian slaves, subjects of the King of Spain who could give an account of the Christian faith and say the Lord's Prayer must be set free and returned to their homes.

All creeds joined in praising the tolerant spirit of the Governor. The Huguenots expressed gratitude to the King for his goodness to them, Dominie Selyns, the Dutch pastor praised him as "a gentleman of

knowledge, politeness and friendship," and Governor Hinckley of Plymouth, a grim Puritan, eulogized him: "He was of a noble, praiseworthy mind and spirit, taking care that all the people in each town do their duty in maintaining the minister of the place although himself of a different opinion from their way." These concessions were most agreeable to the colonists coming as they did from a Proprietor and Governor of the Roman Catholic persuasion. The Duke, a convert to the Catholic Faith, had felt the resentment and hatred of the Anglican church and the animosity and enmity of the notorious and knavish Shafterbury, sincere at least in his detestation of the Ancient Church. The Test Act, "was a weir to catch Catholics, to expose the numbers of them in the public service—and—to throw a shaft of light upon the Duke of York—to point him out as the villain of the piece; the Heir to the Throne an avowed Papist; Protestant England flouted."[8] Although urged to conform outwardly James replied he would rather die, and resigned from the Admiralty.[9] With all his faults and his many virtues, neither his capacities which were great and remarkable, nor his deficiencies which were startlingly pronounced and combined with certain high moral qualities, would allow him to play the hypocrite in religion.[10] The embers of

[8] Belloc. James II. 152.
[9] Ibid. James II. 152.
[10] Ibid. James II. Preface.

religious bigotry which afterwards leaped into a flame and drove him from the throne were kindled, but he refused to be a knave or a coward. Sincere and zealous in the profession and practise of his faith, the victim of religious intolerance, he became the champion of religious freedom in his new colony. Historians may have tarnished his fame, unjust critics questioned his motives, bigoted authors misconstrued his actions, but his Christian, tolerant attitude to the numerous sects in New York cannot be obliterated from the escutcheon of his deeds.

As his patron had seen the evils of intolerance in England, so Dongan was conversant with the struggles of his countrymen to preserve their nationality and their faith. His many years of exile in France and his experiences in the Low Countries, the rivalry and excesses of Catholic France and Spain, Protestant Holland, England and Germany, where religious differences played as prominent a role in the great wars as kingly jealousies and national ambitions, convinced him of the horrors of religious strife. It was the blighting sin of Europe and the colonies in America. New England was the hot bed of intolerance, theocratic governments, with religious qualifications necessary for freedom, moulded on the harsh tenets of the Old rather than the mild doctrines of the New Testament. Maryland had been shorn of her toleration by the persecuted exiles from other colonies whom

she admitted to share her freedom, and the founders were soon to lose all rights to worship according to their consciences. Virginia and the Southern colonies detested and excluded the Catholic emigrant. By his noble conduct in New York, Dongan takes his place with Calvert, Penn and Williams—except for the later clause in the charter—as the friend and promoter of religious liberty.

By his remarkable document, Dongan showed himself a ruler of broad-minded and rare executive abilities, far superior to the other colonial governors. He built his laws on foundation of Magna Charta, thus making the inhabitants loyal citizens of England, and elevating the colony from a dependency to an integral part of the mother country. The principle of "No Taxation Without Representation," the slogan which rallied the colonists to the cause of independence was first enunciated in his Charter. "So New York, by its self-enacted 'Charter of Franchises and Privileges,' took its place by the side of Virginia, and Massachusetts, surpassing both in religious toleration."[11]

[11] Bancroft. Hist. of U. S. II-404.

CHAPTER SIX

Boundary Disputes

SPAIN claimed all the newly discovered lands in the Western Ocean by virtue of the discovery of Columbus, the explorations of Ojeda, Cordova, Grijalva and De Sota, and the conquests of Cortez, Pizarro and De Leon, although she confined her settlements and missions to Florida, Texas, New Mexico, Arizona and the southern countries. The French by the voyages of Varrazano, Cartier, Champlain, settled in the northern climes, followed the Saint Lawrence, the Great Lakes, the Mississippi Valley under the guidance of La Salle, Marquette and Hennepin until they reached the Spanish possessions. The discoveries of John Cabot, the Venetian, and his son, Sebastian, and the subsequent voyages of Gosnold, Pring, Smith and Frobisher gave England claim to all the Atlantic seaboard, from Florida to the disputed Canadian settlements, and made her a contender with France and Spain for maritime and colonial supremacy. To the Englishman of the early seventeenth century, America was a *terra incognita*, and unaware of the vast extent of the continent, large grants of lands with indefinite boundaries were con-

ferred on proprietors and companies. Not knowing the great width of the country, stretching to the Pacific Ocean, concessions were granted within certain specified limits of latitude, embracing tracts to the westward already occupied by the French or the Spaniards, and beyond them, princely domains never trod by the foot of the white invader. Latitudinal boundaries likewise overlapped, and later caused bitter disputes between the proprietors and the royal governors. In England, it seemed to be the general impression that the crown dominions extended to the Alleghany mountains, all the rest, subject to France, but as the years elapsed, the line of demarcation began to extend farther westward.[1]

Perhaps one of the most flagrant examples occurred in the Charters of Maryland and Pennsylvania. The colony of Calvert claimed all the lands to the fortieth degree of latitude, including the three Delaware counties, a portion of Penn's grant and the city of Philadelphia. Although the laws in the Quaker province permitted Catholics entire toleration, the erection of a church was deferred until the boundary question was settled, and then Saint Joseph's church, the first public chapel in British North America was opened. To cement the compact, the famous Mason and Dixon's line was established in 1767.[2] In revolu-

[1] Fiske. Crit. Per. Am. Hist. 222 ff.
[2] Kirlin. Cathol. In Phil. 33.

tionary and early Federal times, New York and New Hampshire claimed ownership of the Green Mountain country; North Carolina and Virginia asserted sovereignty over Tennessee and Kentucky, won from the natives by the valor of the hardy pioneers from these colonies; Massachusetts, the territories to the west of New York, now embracing the southern extremities of Michigan and Wisconsin; Connecticut, the Wyoming Valley and lands to the Mississippi, adjoining the Spanish dominions; New York, by reason of her alliance with the Five Nations, all the region north of the Ohio River and east of Miami; and Virginia, "The Lordly Old Dominion," held that her Charter rights and the valorous deeds of George Roger Clarke in 1778, entitled her to the country afterwards known as the North Western Territory. These claims excited the fear and jealousy of the smaller colonies, Delaware, Maryland, New Jersey and Rhode Island, and the delegates from Calvert's state proposed "to lay out the lands in separate and independent states." The Ordinances of 1784 and 1786, acted on this suggestion and an amicable settlement was arranged.[3]

In 1606, James I licensed a company to plant two colonies between the thirty-fourth and the forty-fifth degrees, "in that part of America, commonly called Virginia, and other parts and territories of America, either appertaining unto us or which are not

[3] Fiske. Crit. Per. Am. Hist. 233 ff.

now actually possessed by any Christian prince or people."[4] The Virginia Company was restricted to the portion between the thirty-fourth and the thirty-eighth degrees, the Plymouth, to the sector from the forty-first to the forty-fifth degrees, neither could form a settlement within a hundred miles of the other. From the thirty-eighth to the forty-first degree, from Chesapeake Bay to Long Island Sound, was not mentioned in the Charter, yet half a century later, Charles Second conferred all that region on his brother, the Duke of York, allowing the British army and navy to despoil a friendly rival of lands long occupied, although peace prevailed between the two countries. When Dongan assumed office, he found a recurrence of the old troubles, the colonies to the east and the south, encroaching on the Duke's dominions. The Charters of Connecticut and Massachusetts were framed during the period when the donors were unaware of the great width of the continent, perhaps deceived by the narrow limits of Mexico and Central America and in consequence, the grants stretched from ocean to ocean. Naturally, the elastic boundaries of the two neighboring commonwealths impinged on the lands bestowed by his royal brother.

A few weeks after Dongan's arrival, news reached Fort James, that William Penn was negotiating with

[4] Van Rensselaer. Hist. City N. Y. I-12.

the Iroquois seeking to purchase the upper Susquehanna valley, which they had won by conquest from the Andastes. The clever Quaker, a bosom friend of Charles Second and his brother, the Duke, longed to possess the fertile region and to acquire the good will of the warlike tribes. Dongan prepared to thwart his designs; "I cannot believe that ever it was the King's intention to grant away so great a part of this government, which has been so long appropriated to it and even the people think of it as a part of themselves and would be much troubled at a separation from soe good and ancient neighbors that at first of their own free wills became soe and have ever since continued with such constancy to desire and maintain a mutual friendship and correspondence."[5] These lands commanded the Indian country, controlling the northern fur trade the most lucrative monopoly of the province. Dongan hastened to Albany where the astute Quaker was treating with the braves and declared that the sale of the lands would be prejudicial to His Majesty's interests. "If therefore His Majesty were pleased to have a line run from forty-one degrees and forty minutes in the Delaware River to the falls upon the Susquehanna, and to let Mr. Penn to keep all below, it would be sufficient for him."[6] The Cayugas listened to the Governor's

[5] Doc. Hist. N. Y. I-155.
[6] Ibid. I-155.

pleas, and arguments, and conveyed the entire tract to the New York government with the consent and the approval of the Mohawks. A year later, Penn endeavored to reopen the argument but Dongan refused, replying to his demands for additional territory; "Mr. Penn hath land more than he can people these many years." The defeat made Penn unfriendly to Dongan and in after years when a favorite at the court of James Second, showed his animosity by prejudicing the King against him.

Connecticut also claimed part of the Province bordering on its territories. It was an old dispute, dating from the first Dutch settlement. The hardy adventurers from the Low Countries were undoubtedly the first to discover and explore the Connecticut valley purchasing a site from the Mohegan Indians and erecting a fort, not completed until some years later. These events occurred some months before the settlers from Plymouth built a block house and more than two years before the dissatisfied pioneers from the Massachusetts's Bay colony settled in the future state.[7] When the first immigrants of the Dutch West India Company arrived at New Amsterdam, two families and six men were sent to occupy the banks of the Fresh River who began the construction of Fort Good Hope.[8] The New Englanders came in

[7] Bancroft. Hist. U. S. II-283.
[8] Roberts. New York. I-35.

such great numbers that many flourishing villages soon surrounded the modest stockade. Stuyvesant claimed the entire valley for the Company, but was outwitted by the English. During the administration of Colonel Richard Nicholls, it was agreed that a line twenty miles east of the Hudson River should be the boundary line between the two rival colonies. Dongan found this pact violated and complained to the Duke; "Connecticut was always grasping, tenacious and prosperous at her neighbor's expense, of evil influence over the New York towns of Long Island, whose refractory people would carry their oil to Boston and their whale bone to Perth rather than to their own capital," and reiterated the charges in his letters to the Committee on Trade and Transportation.[9] He accused the Connecticut authorities of deceiving Nicholls by making the Mamaroneck River only ten miles from the Hudson, the boundary instead of the Byram River and threatening "that unless they withdrew their claims to territory within twenty miles of the Hudson, he should renew the old New York claim to the Connecticut River as the eastern limit of the Duke's patent, and refer the subject directly to his Highness."[10] Commissioners were appointed and in 1685 the line was placed twenty miles east of the Hudson River. This agreement

[9] Doc. Hist. N. Y. I-151.
[10] Winsor. Hist. of Am. III-405.

was ratified in England in 1731, but the dispute was not finally adjusted until 1880.

New Jersey likewise cast longing glances on certain portions of the Duke's dominions. Although James First's patents to the Council of New England authorized the company to plant colonies and govern the territory from the fortieth parallel—almost fifty miles south of the Hudson River—and from ocean to ocean, the patentees were forbidden to invade or claim any lands which the subjects of any other Christian Prince occupied. The Dutch claimed all the region by virtue of Hudson's discoveries under the auspices of the Dutch East India Company.[11] Michael Paauw, purchased a site from the natives on the west side of the North River, now the city of Hoboken, and Samuel Godyn, a section on the south shores of the South River, Director General Minuit signing and sealing the deeds, pledging the natives to abide by the compact and confirming the purchasers in their rights. The voyages and explorations of Hudson and May gave the Dutch a strong claim to all the lands along the Delaware River, and a fort was erected but soon abandoned. The Swedes and Finns established trading centres near the South River settlements from the ocean to Trenton Falls. In 1655, Stuyvesant reduced and captured these forts, and annexed the territory to

[11] Van Rensselaer. Hist. City N. Y. I-39.

New Netherland. Two weeks before the fall of New Amsterdam the Duke assigned to Lord Berkeley and Sir George Cartaret the lands between the Hudson and the Delaware Rivers, with nearly the same boundaries as at present, naming it, New Jersey, in honor of Cartaret, who had been Governor of the Island of Jersey in the English Channel. The new proprietors claimed Staten Island as part of the grant, hoping to obtain undisputed possession of the narrow channel, the Kills, between the island and the main land, leading into Newark Bay and thence into the harbor of New York.

Governor Andros opposed the grant, and insisted that New Jersey be returned to New York in exchange for the Delaware counties, but Maryland objected, claiming that the charter made these counties part of the Palatinate. In answer to his pleas, the English authorities declared Staten Island to be part of the Duke's dominions. Cornelis Melyn, a Dutch pioneer, had purchased the island from the tribesmen, allowing them to hunt in its forests, but Governor Lovelace bought it again in 1670 with the stipulation that the Indians, few in number should immediately withdraw. In the bill of sale drawn up, the various commodities barted with the owners are enumerated: coats, shirts, kettles, axes, hoes, knives, guns, lead and powder.[12]

[12] Ibid. Hist. City N. Y. II-80.

In Dongan's regime, the controversy was reopened, the Colonel complaining of the unwarranted assumption of the new owners, that the Kills were a separate stream from the Hudson, that Perth Amboy should be made a port of entry thus depriving New York of the harbor dues and duties. "We in this government look upon that bay that runs into the sea at Sandy Hook, to be the Hudson River therefore there being a clause in my instructions directing me that I cause all vessels that come into Hudson's River to enter at New York I desire to know whether His Majesty intends thereby those vessels that come within Sandy Hook, the people of East Jersey pretending a right to the river soe farr as their province extends which is eighteen miles up the river to the northward of this place."[13] In his communications to the Duke and the Committee on Trade and Transportation he denied that the channel was an independent strait but maintained it was a branch of the Hudson River whose mouth was at Sandy Hook and petitioned to fortify the Point to halt smugglers and pirates. "I desire to have an order to make up a small fort with twelve guns upon Sandy Hook, the channel there being soe near the shore that noe vessel can goe in nor out but she must come soe near the Point, that one might toss a biscuit cake on shore."[14]

[13] Doc. Hist. N. Y. I-152.
[14] Ibid. I-152.

Dongan's contention was upheld, the claims of East Jersey denied, and Staten Island restored to New York. In the final adjustment during Federal days, the boundary line between the island and the shore was traced through the middle of the channel.

Massachusetts revived an old claim, first broached in Stuyvesant's time claiming all the lands to the Hudson River thus depriving New York of all the fertile section along its eastern bank and interfering with the fur traffic in the wilder regions. These erroneous claims were based on the indeterminate boundaries assigned by the Charter, with the longitude specifically designated but stretching westward three thousand miles from sea to sea, and the crafty strategy of the Connecticut commissioners placing the boundary from Mamaroneck Creek north-northwest to the Massachusetts line.[15] This would have carried the bounds of New York across the Hudson River and conveyed a goodly portion of its eastern portion to Massachusetts. Dongan denied the validity of the claims, exposed the duplicity of the Commissioners, and brought the dispute to an end with credit to himself and advantage to his patron although the eastern boundary was not officially fixed until 1787. Inspired neither by ambition nor avarice he maintained the Charter rights of the Duke and won a notable triumph in diplomacy.

[15] Van Rensselaer. Hist. City N. Y. II-23–24.

CHAPTER SEVEN

The Iroquois Alliance

THE master stroke of his administration was his alliance with the Iroquois by which the whole of the present state of New York, south of Lake Ontario became an integral part of the province. These powerful Indian tribes, the most warlike in North America, had been steadfast allies of the Dutch and implacable foes of the French, who had made friends of their bitterest enemies, the Algonquins and Hurons. At first, the French and their savage auxiliaries, armed in European fashion, had beaten the warriors of the Five Nations with their primitive weapons, but the Dutch traders supplied them with arms and ammunition in exchange for furs and peltries, and thus equipped, they almost exterminated the Algonquins and Hurons and carried terror to the gates of Quebec. The English, although on peace terms with them, had not gained their entire good will, but Dongan, realizing that an alliance with them would insure the safety of his province and New England and divert the fur trade from Montreal to Albany, made every effort to conciliate them. "The Five

Nations are the most warlike people in America and are a bulwark between us and the French and all other Indians; they go as far as the South Sea, the Northwest Passage, and Florida to wars. In the last war with the Indians, New England had been ruined had not Sir Edmund Andros sent some of these nations to their assistance and indeed they are so considerable that all the Indians in these parts of America are tributary to them."[1]

On October fourth and fifth, a few weeks after his arrival, he met three great sachems of the Mohawks at Fort James and entered into friendly relations with them. He claimed all the territory south and southwest of Lake Ontario, obtaining from the Indian chieftains their submission to the King, written on two white, dressed deer skins. The sachems agreed to nail the arms of the Duke of York over their castles, as a protection against the French and an acknowledgment of English sovereignty. As the two countries were at peace, Dongan was instructed to maintain friendly relations with the Canadians but he refused to desert his new allies. M. de La Barre, the French Governor of Canada, complained to Louis XIV, that the Cayugas and Senecas had attacked his military posts and that Dongan protected them. The French Ministers of State writing to M. Basillon, the Ambassador at London reports these outrages and

[1] Doc. Hist. N. Y. I-154.

claims: "These Indians have always been subject to France since this country was discovered by the French, without the English objecting thereto. His Majesty desires you to present his Complaints to the King of England and to demand of him precise orders to oblige this governor to confine himself within the limits of his government and to observe different conduct towards Sieur De Denonville who is selected by His Majesty to succeed the said Sieur de la Barre." In 1685, De La Barre planned to exterminate the Iroquois but Dongan sent them arms and ammunition, although forbidden by his instructions to interfere. The next year, De Denonville began another campaign but Dongan warned him that as the Indians were subjects of England, an attack on them would be a declaration of war. The weak and vacillating conduct of the English government thwarted the plans of the governor and for a time exposed the allies to war, but the policy he inaugurated was so well imitated by his successors in office that New York was spared the horrors of invasion, and when a century later the titanic struggle for the control of North America began, the friendship and assistance of the Iroquois brought victory to the English standard. "By his masterly policy, Dongan controlled the Five Nations, broke up the French influence, and used the confederacy as the great bulwark of New York, making

it with English support, a terror to Canada and the Western tribes."[2]

The French claimed sovereignty over the Iroquois and their country not only by right of discovery, but also because their missionaries, men of heroic self-sacrifice and profound piety, had visited them, established missions, and made many converts. Dongan however, would not admit these claims. "The pretense you make to that country by your five and twenty years possession, and sending Jesuits living among them are very slender, and it may be, you may have the same to other countries; as for Jesuits living among them, how charitable soever it may be, it gives no right or title."[3] As a sincere Catholic Dongan admired the zeal of the fathers, but as an English official, it was his duty to minimize French influence, as he realized that the French missionaries were powerful instruments for advancing French interests among the savages. The piety of their lives and the beauty of the doctrines and ceremonies appealed to the children of the forest and many embraced the faith taught by the "Black Gowns."

Some removed to the Catholic Indian villages on the St. Lawrence River and became allies of the French. To win back these deserters and Christianize their pagan brethren Dongan bent all his ingenuity and

[2] Dealy. Mag. Am. Hist. 1882.
[3] Doc. Hist. N. Y. I-106.

talents. Writing to the Committee On Trade, he unfolded his ambitious plans. "I have gone so far with it that I have prevailed with the Indians to come back from Canada on condition that I procure for them a piece of land called Serachtague (Saratoga,) lying upon Hudson's river about forty miles above Albany and there furnish them with priests—and have promised the Indians that they shall have priests and that I will build them a church and have assured the people of Albany I would address to His Majesty as to your Lordships that care may be taken to send over by the first five or six it being a matter of great consequences. These Indians have about ten or twelve castles (as they call them) and these at a great distance one from another, soe that there is an absolute necessity of having soe many priests that there be three always traveling from castle to castle and the rest to live with those who are Christians. By that means the French priests will be obliged to retire to Canada whereby the French will be divested of their pretence to the country and then we shall enjoy the trade without any fear of being diverted."[4]

That these proposals were made in good faith is certain. Father Thomas Harvey, S. J. had accompanied Dongan to New York, acting as his chaplain and saying Mass for the few Catholic residents of the city. In 1685, Father Henry Harrison, S. J. arrived and

[4] Ibid. I-156.

in 1686, Father Charles Gage, S. J. "These letters, (of Dongan) would show that the offers of Dongan to the Caughnawagas were sincere and that he really designed to give them English Jesuits as their missionaries if they would remove into English territory near Saratoga. But a still stronger proof is to be found in the Roman Catalogue of the Society of Jesus by which it appears that Father Thomas Harvey, S. J., a native of London was in New York from 1683 to 1690 and subsequently in 1696—and Father Henry Harrison, S. J. was in New York in 1685—Father Charles Gage was also employed there in 1686–1687."[5]

Father Harrison accompanied the Governor to Albany in 1687 and spent the winter there, no doubt planning the establishment of the Indian missions. As the new missionaries were unacquainted with the native languages they were obliged to spend much time studying them. Meanwhile Dongan was superceded, war broke out, and the missions disastrously ended. "By that time, 1691, the quarrels and ambitions of de Denonville on one hand, and Dongan on the other, all of them Catholics had made it impossible to go on with the missions."[6] That Dongan appreciated the labors of the French Jesuits and protected them from the insults and cruelties of the savages is evident from the letters of the Fathers to him: "Since peace through

[5] Ibid. III-110.
[6] Campbell. Pioneer Priests in N. A. I-199.

your care will apparently last, we shall continue to carry the Christian faith through this country and to solicit the Indians whom you honor with your friendship, to embrace it."[7]

"I have learned by the letters to the two Fathers de Lamberville—the kindness you have for them and the protection you afford them. In a word, they have informed me that you spare no pains to procure for them the repose necessary for the exercise of their functions. I have the honor to write you how sensible I am of so many kindnesses the continuance of which I make bold to ask, of you through the adorable blood of Jesus Christ. I shall often pray Him to be your rich reward and to heap His holy blessings on you for time and eternity."[8]

Writing to De Denonville, July 27, 1686, Dongan reiterates his desire to protect the priests: "For my part, I shall take all imaginable care that the Fathers who teach the Holy Gospels to those Indians over whom I have power, bee not in the least ill-treated and upon that very account have sent for one of each nation to come to me, and then these beastly crimes you reprove shall be checked severely—and whatever doth obstruct the growth and enlargement of the Christian faith amongst these people."[9] As a devoted Catholic, Dongan wished to convert the Indians to

[7] Doc. Hist. N. Y. I-194.
[8] Eccl. Rec. N. Y. I-905.
[9] Eccl. Rec. N. Y. I-921.

the faith for which he and his family had suffered so much. From motives of morality he realized that Christian Indians could be made better members of society than their pagan relatives. For political reasons he wished to make them citizens of the colony, owing fealty to its government and enjoying the rights and privileges of the European settlers. Compared to the inhuman conduct of the aborigines by the colonists of New England his conduct stands forth in bold relief. That he failed through unpropitious circumstances should not detract from the praise due him for his kindness and charity towards the Indians of New York.

CHAPTER EIGHT

Municipal Enactments

THE Duke's instructions to Dongan bade him frame "what laws are fit and necessary to be made and established for the good weale and government of the said colony and its dependencies."[1] In the "Charter of Liberties and Privileges," the new Governor obeyed his patron and conferred on the people civil and religious freedom, so now he turned his attention to the growing municipalities. The City had more than three thousand inhabitants—Boston between four and five thousand—extending northward to Wall Street, with many comfortable homes and large estates beyond the city. The municipal magistrates petitioned the Governor to intercede with the Duke for a municipal charter and Dongan graciously acquiesced, so on April 26th, 1686, he granted the city its first charter. It established a municipal corporation consisting of a Mayor, a Recorder, a Town Clerk, six Aldermen and six Assistants. The other officials were, a Treasurer, a Sheriff, a Coroner, a Clerk of the Market, a Marshal,

[1] Eccl. Rec. N. Y. II-847.

a High Constable and seven petty constables. The city was to choose the Treasurer, the Mayor, to name the High Constable, the Governor, the Recorder, the Town Clerk and the Clerk of the Market. The Mayor and the Sheriff were appointed by the Governor and the Council, the Aldermen, the Assistants and the Petty Constables elected by the free holders of each ward.[2]

On October fourteenth, the birthday of the Duke, the officers were inducted into their various stations. A City Seal was likewise adopted, and probably manufactured in the city. It consisted of mill-sails, a beaver and a flour barrel—typifying the source of the province's prosperity—surmounted by a coronet, supported by two Indian figures, one with a war club, the other with a bow, the former with a patriarchal cross over his head, emblematic of the gospel to which he is subject, and on the scroll, "*Sigill. Civitat. Nov. Eborac.*," the whole surmounted by a wreath of laurel.[3] This charter may be said to have laid the broad foundations for the government of the future great metropolis. "When we consider the time when, and the power from whom this charter emanated, we cannot but admire the enlightened sense which it displays of the sanctity of corporate and private rights, the cautious manner

[2] Van Rensselaer. Hist. of City N. Y. II-298 ff.
[3] Ibid. Hist. of City N. Y. II-304.

with which they are treated, and the provident guards enacted for their security."[4] This charter remained practically unchanged until modern days although two others were adopted during pre-revolutionary times, yet they preserved the substance and spirit of the original document, enlarging its privileges rather than modifying them. Inspired by the success of the people of New York, Albany likewise petitioned for incorporation as a city, which the Governor granted on July 26th, 1686. This charter remained in force for two centuries.

During the first administration of Sir Edmund Andros, the Bolting Act was passed, giving to the city of New York the exclusive right to bolt, sift or export flour, and to sell bread and biscuits, and all other places were forbidden to engage in this industry under penalty of the forfeiture of the contraband materials. The rural dwellers were displeased and disgruntled, but the city people reminded them that Albany and vicinity had enjoyed the monopoly of the fur trade and the traffic with the savages and that New York, as the capital of the province and the chief commercial centre, must share in the prosperity. Dongan confirmed the privilege but lest the dealers become avaricious and distress the consumers, it was ordered that each loaf must be twelve ounces in weight, and sell for not more than six stivers in

[4] Chan. Kent.

wampum. This ordinance remained in force for sixteen years and brought great prosperity to the city and the merchants. Its wealth trebled, six hundred houses were erected, land increased tenfold in value, sixty new vessels were constructed, and the commerce of the port grew by leaps and bounds. The jealousy and irritation of the rural population never abated and in 1694 during Leissler's usurpation, it was ordered that all places in the province should have the right to bolt, bake and export flour, a measure calculated to win the loyalty of the country people to the support to the new régime. The Act greatly benefited Manhattan but when it was repealed the city was on a firm financial basis, and famous for its foodstuffs productions. The flour barrels and the windmill on the city seal are emblematic of the sources of its prosperity.

The Corporation soon made additional demands on the Governor's good nature, seeking additional privileges for the citizens. "I wonder that having lately granted almost every particular of a large and considerable petition, that I should so suddenly receive another." However he passed many additional ordinances and conferred many privileges. Markets were to be opened on Wednesday and Saturday, a ferry to Brooklyn granted, docks and wharfs authorized, licensed cart-men appointed, and also chimney sweeps and an "Inviter to Funerals." The

cart-men were to clean the streets, repair the roadways and remove the refuse.

Quit-rents and manorial privileges were two other questions engaging Dongan's attention as instructed by the Duke. Many large landowners failed to improve their property, few rents were paid and these only nominal, as the existing grants were mostly renewals of older purchases or patents. All titles were ordered produced for examination by the officials and the owners readily complied, as they were pleased to receive valid titles, thus avoiding legal technicalities in the future, if not heavy losses or perhaps their entire investments. These were not burdensome, and were accepted readily, except in certain towns on Long Island, and remained in force until after the Revolutionary war, when the State passed acts for the annulment of past obligations. Manorial patents were also renewed, erecting the old patroonship of Rensselaerswyck, a princely domain of more than seven hundred thousand acres, including the present counties of Albany, Rensselaer, and Schenectady, part of Greene, much of Columbia and also the holdings of Robert Livingston in Dutchess county into the manor of Livingston. Even in these early days, the liquor traffic brought concern to the authorities and the Governor issued a proclamation, "that as great hurt, trouble and inconveniences have and do grow and increase every day from the disorders committed in

public drinking houses, tap houses and ordinarys, and by persons presuming to sell liquors without a license, ordered that no person presume to sell under five gallons without obtaining license."[5] The Mayor was given power to issue such licenses at not more than thirty shillings each.

Under the Charter, the City was made a body corporate, "to get, receive and hold lands, rents, liberties, franchises and chattels and transfer the same." It retained as its own, the two market places, the bridge into the dock, the wharves or docks, the burial place outside the city walls and the ferry to Long Island. "All waste, vacant, and unappropriated lands on Manhattan Island, extending to low water mark on all waters, creeks etc. not heretofore granted," were the property of the City as well as all mining and hunting privileges.

On his arrival, the Governor found the military defences in a deplorable condition, the soldiers unpaid, poorly armed and clothed. At a time when war clouds were constantly threatening, the Indians uneasy, the French hostile, well equipped garrisons, strongly fortified forts were necessary to insure the safety of the colony. Under his vigilant care, the troops were reorganized and supplied with proper clothing, arms and ammunition, Fort James repaired, new fortifications erected on the outskirts of the City,

[5] Bennett. Cath. Footsteps in N. Y. 91.

Albany and Schenectady strengthened in men and arms against French and Indian attacks and the whole province put in adequate state of defence. As the revenues were insufficient to provide for these extraordinary outlays, Dongan spent his private fortune to obtain the necessary funds. "He had pledged his personal credit and even mortgaged his farm on Staten Island to secure two thousand pounds from Robert Livingston to meet the expenses of the Albany expedition."[6] Writing to the Board of Trade and Transportation in London he speaks of the loss of the colonial revenues, his great expenditures in paying soldiers, and repairing fortifications and complained that the King owed him much money. That James failed to pay him is evident from his many appeals in after years, not only for arrears of pension, but also for moneys advanced to the government of New York.

Among the other measures he proposed for the betterment of the settlers and the colony was the establishment of a mint and post offices along the Atlantic seaboard to bring the colonists into closer social relations and a union of all the colonies as a protection against the French and for their own commercial advancement. The passage of the naturalization laws had given some impetus to immigration so he proposed to bring to New York some Irish families under the guidance of his nephew, Captain Talbot.

[6] Wilson. Mem. Hist. N. Y. 243.

"There are people enough in Ireland who had pretences to Estates there and are of no advantage to the country and may live here very happy. I do not doubt if His Majesty think fit to employ my Nephew he will bring over as many as the King will find convenient to send who will be no charge to His Majesty after they are landed."[7]

These proposals were graciously received by the Royal Proprietor and the Board of Trade and Transportation but the advent of Andros and the union of New York with New England frustrated these designs of the Irish statesman. Under the provisions of the liberal charter and his paternal solicitude, the City expanded northward, new homes were erected, new sections cultivated, commerce increased, and the population grew from four thousand to almost twenty thousand souls. The Charter was carefully drawn up and well considered and conferred on the people liberties almost unknown in that age of kingly rights and royal prerogatives.

[7] Doc. Hist. N. Y. I-256.

CHAPTER NINE

The Latin School

THE Catholic Church has always shown great solicitude for education. Even in the days of severest persecution, catechumens and children were assigned to classes and given instruction in spiritual matters. In the first century, (A. D. 60) the school of Alexandria was founded by Saint Mark—according to the testimony of Saint Jerome—famous throughout the early centuries for its eminent teachers, Origen, Pantaenus, Clement, where Christians, Jews and Pagans studied sacred and profane lore, extending its branches to Rome, Jerusalem, Caesaria and finally to distant Gaul. When peace came, the schools and institutions increased and multiplied, and the Synods and Councils of the Church made it obligatory for the bishops and priests to provide education for the children of the poor. The monastic, episcopal, cathedral schools were only preludes to the great Universities of the Middle Ages, the pride and glory of the thirteenth century, the original sources of the present culture and learning of the nations.

By heredity and environment Dongan was a patron of popular education. Born and nurtured in the

"Island of Saints and Scholars," his countrymen and coreligionists, the monks, had gone forth to England, Scotland, France, Belgium, Germany, Switzerland and Italy, along the Rhone and the Rhine, the Danube and the Po, to rekindle the torch of learning extinguished by the inroads of the barbarian hordes of the North. He knew the story of the Danish invasion of Ireland, when schools and monasteries, churches and convents were pillaged and burned, until the clouds of ignorance settled thickly over that once cultured people. Even in his own time, the religious animosity of an alien sect threatened to stamp out the last vestiges of religion, nationality and culture in his beloved country. The example of the Spanish and French missionaries inspired him to promote education in the Province, although hampered and impeded by the bigoted and intolerant laws and statutes of the mother country which he served so faithfully and well. In Mexico and South America, schools were built adjacent to and simultaneously with the churches, the native languages reduced to writing, so that in an incredibly short period, the natives learned to read and write, and were taught useful trades and occupations. Not only were the children of Spanish settlers educated, the little ones of the forest were tutored in the primary and secondary branches. Schools of higher learning were founded and endowed by the Emperor and the Pope and as

early as 1551, Charles V, chartered the Universities of Mexico and Lima, with thousands of students, hundreds of lecturers, and many graduates, antedating by almost a century, the colleges of the Northern colonies, with scanty attendance, limited faculties, few diplomas.[1] Their co-workers in French settlements were equally zealous in promoting education among the colonists and the natives, living with them in their wretched wigwams, learning the dialects, reducing the languages to writing, teaching them to read and write, composing or translating works for their spiritual and mental advancement, compiling grammars and dictionaries of their speech, thus preserving for future philologists the knowledge of the structure of the aboriginal tongues. In 1635, the University of Quebec was founded also antedating the great American seat of learning in Massachusetts.

In Virginia, although the early legislation regarding education relates principally to the College of William and Mary, the care of the poor and orphan children, their religious instruction, and the acquisition of useful and supporting trades, the lower classes depended principally on the charity schools. The wealthier settlers seemed to look with suspicion and fear on attempts to educate them. Governor Berkeley, reporting the state of education in the colony, indicates clearly the position of the ruling officials:

[1] Bourne. Spain in Am. 302 ff.

"the same course that is taken in England—I thank God there are no free schools, nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience into the world and printing has divulged them, and libels against the best governments. God keep us from both."[2]

The Puritans of Massachusetts established primary and grammar schools at an early date, founded the Boston Latin School and opened Harvard College in 1636 "to advance Learning, and perpetuate it to Posterity dreading to leave an illiterate Ministery to the Churches, when our present Ministers shall lie in the dust."[3] To prepare boys for entrance to the new institution, preparatory schools were opened in Charlestown, Dorchester and gradually in all the large towns.

The pioneers of education in Maryland were the Jesuits who founded a school in 1640, and in 1677, the second oldest college in the United States, at Newtown, surviving until the English revolution of 1688. In Pennsylvania, as early as 1683, schools were erected and opened, the most famous, "The William Penn Charter School," at Philadelphia. Although we possess no documentary proofs to show the exact date of the foundation of Catholic schools in the province, they undoubtedly go back to the organization of the

[2] Cooke. Virginia. 226.
[3] Marique. Hist. of Chris. Ed. II-173.

church in the capital city and in the outlying towns. In most cases, the priest, a Jesuit, was the school master.[4] New Amsterdam claims the distinction of founding the first schools in the original thirteen colonies. In 1633, a private elementary school with Adam Roelandsen as head master was begun. Each householder was taxed to support the clergyman, the Comforter for the Sick and the School Master. In 1659, a Latin school was opened in New Amsterdam.[5] The teacher was obliged to assist at the church services, at the administration of Baptism, the ceremony of the Lord's Supper, at funerals, digging the grave and tolling the bell, as reader, precentor of the congregation, and messenger for the consistory, receiving a modest stipend for his services.

Dongan fully understood that culture and education alone could make his subjects amenable to law and order and amalgamate the various nationalities into a composite population. In 1684, a school was opened under Anglican auspices on the site of the present Trinity Church, but as students were few and funds meagre, it was closed after a precarious existence.[6] Although the finances of the colony were at a low ebb, the Governor resolved to reopen the institution. Father Thomas Harvey, S. J. had accompanied Dongan to New York acting as his private

[4] Burns. Cath. Sch. Sys. U. S. 122 ff.
[5] Marique. Hist. of Chris. Ed. II-170.
[6] Burns. Cath. Sch. Sys. U. S. 104.

chaplain, saying Mass in the Fort for the scattered Catholics, remaining in the city until 1690. Father Henry Harrison, S. J. was there in 1685, and Father Charles Gage, S. J. in 1686 and 1687.[7] Later Catholic historians claim that Father Harrison, S. J. opened and taught the school, although it is highly probable that Fathers Harvey and Gage assisted him at times. As no records are available, it is impossible to state the curriculum followed, although "the classics were taught and undoubtedly the elementary branches."[8]

Although there were only a few Catholics in the city, they were mostly men of influence if not wealth, holding official positions, who welcomed the opportunity of sending their sons to enjoy the blessings of Catholic education under such competent teachers. Dongan petitioned the King, James II, to endow the school with the lands known as the King's farm, but he refused, saying he would not have his governors deprived of their conveniences.[9] It was an extensive tract on the west side of Broadway, between the present Fulton and Chamber Streets, and was granted by Queen Anne in 1705 to Trinity Church. Governor Bellamont attests the truth of this statement: "In Colonel Dongan's time, he to make his Court to King James, desired this farm might be appropriated to the maintenance of a

[7] Eccl. Rec. N. Y. II-877.
[8] Burns. Cath. Sch. Sys. U. S. 104.
[9] Brodhead. Hist. N. Y. II-407 ff.

Jesuit school, but James, (bigot though he was), refused, saying, he would not have his governors deprived of their conveniences."[10] However, during the tenure of office of the Irish Catholic executive, the college was successful and had ample support.[11]

During the rebellious period following the defeat and flight of James II, and the usurpation of the English throne by William and Mary, or probably at the end of Dongan's term of office, and the second advent of Andros, the school was closed. Jacob Leissler, fanatic, bigot, disturber, traitor, who ruled New York during the interregnum until the arrival of Governor Henry Sloughter, who died on the gallows for treason and usurpation of office, wrote to Governor Andros on his arrival: "I have formerly urged to inform your Honor, that Col. Dongan in his time did erect a Jesuite College upon coulour to learn latine to the Judges west—Mr. Graham, Judge Palmer and John Tudor did contribute their sons for some time, but no body imitating them the college vanished."[12] "But this statement does not bear the aspect of verisimilitude. Mr. Matthew Plowman, collector of New York, the members of the Council, Major Brokcholls and Gervais Baxter were Catholics; Captain Webb of Richmond County was also a Catholic; not to mention the assurance of a

[10] Ibid. Hist. N. Y. II-407.
[11] Burns. Cath. Sch. Sys. U. S. 105.
[12] Doc. Hist. N. Y. II-23.

rebel company about the Papists of Staten Island as if they were a force. The rebels added that a good portion of the soldiers in the fort were already Papists.[13] The early Protestant historian of the colony describes the disposition and the temper of the colonists at that period, showing that despite the present popularity of Dongan, the increase of the Catholic population was distasteful to them.[14] "A great dissatisfaction to the government prevailed among the people. Papists began to settle in the colony, under the smiles of the governor; the collector of the revenues and several principal officers threw off the mask and openly avowed their attachment to the doctrines of Rome. A Latin school was set up and the teacher strongly suspected for a Jesuit, in a word, the whole body of the people trembled for the Protestant cause."[15] Some Catholic writers are inclined to doubt the existence of the college; one distinguished cleric, almost a century ago voiced his suspicions: "It is very possible, that these two last named, (Jesuits, Henry Harrison and Charles Gage), may have been sent for by Dongan to carry out his promises, (to give Catholic missionaries to the Caughnawagas), and that one of them may have opened the very suspicious Latin school which Smith

[13] Hughes. Hist. Soc. Jesus N. A. II-147.
[14] Bayley. Cath. Ch. in N. Y. 32.
[15] Smith. Hist. N. Y. I-90.

surmises was kept by a Jesuit."[16] Aside from the almost unanimous opinion of the leading historians, knowing the solid, Catholic character of Dongan and his dislike for religious intolerance, and the well known zeal and perseverance of the Jesuit fathers, who founded Newtown and its successor, Bohemia, harbingers of the future Georgetown University, one feels reasonably certain that the Latin school was opened, and flourished until the recall of the Promoter, the banishment of the Fathers and the irruption of religious bigotry and intolerance during the closing period of the seventeenth century.

Dongan's apparent zeal for education has been questioned by some historians, as the Duke's Secret Instructions forbade the introduction of the printing press into the colony. "And for as much as great inconveniences may arise by the liberty of printing within such territory, under your Government, you are to provide by all necessary orders that no person keep any printing press for printing nor that any book, pamphlet or other matter whatsoever, be printed, without your especial, leave and license first obtained."[17] After his conversion James had been viciously attacked in scurrilous pamphlets in England, and after his accession to the throne the same anonymous methods were used to malign his character and reputation. He was pictured as narrow, bigoted, dull,

[16] Doc. Hist. N. Y. III-110.
[17] Col. Doc. N. Y. III-546.

revengeful, fanatical, eager to enslave his Protestant subjects and destroy the Established Church, when in truth he sought only religious toleration for every sect. The pamphlet in the seventeenth century was a malevolent weapon in the hands of bigots and enemies of the state, kindling the fires of intolerance, arousing rebellion against legitimate rulers and persecuted sects, instigating anarchy and revolt in every nation. Printing was forbidden in the colony. Dongan was warned to prohibit all publications subversive to law and order which might create religious or civil differences, in a population almost exclusively Protestant, against the Catholic Proprietor and the Catholic Governor and the meagre Catholic minority.

These instructions of James II are almost identical with those of William III to Governor Fletcher, who added these intolerant features: "and you are to provide a liberty of conscience to all persons, (except Papists)."[18] Compared to the fulminations of the notorious Berkley in Virginia, "for learning has brought disobedience into the world, and printing has divulged them—God keep us from both,"[19] the words of the much maligned King James II and the Catholic Governor are truly exemplary. Dongan alone could grant the privilege to set up the printing press, deny it to rebels and bigots, grant it to the tolerant and loyal citizens of the Province.

[18] Col. Doc. N. Y. III-821.

[19] Cooke. Virginia. 226.

CHAPTER TEN

The Charter in England

OCTOBER seventeenth, 1683, was the birthday of representative government in New York. The Charter of Liberties and Privileges was adopted by the popular Assembly, the speaker, Matthias Nicholls, approved and sent it to the Governor and Council for their assent, and on October thirtieth, 1683, Dongan signed it with the Clerk of the Assembly, John Spragge, as witness. The next day it was read solemnly at the City Hall in the presence of the Governor, the Council, the representatives, the City Magistrates, and a great concourse of people. Early in December, the Charter was sent to England by a special messenger, Captain Mark Talbot, for the Duke's consideration and approval. His Excellency and his advisors took the document under consideration making some caustic criticisms especially in regard to the revenue acts and the payment of the public debt owed to Sir Edmond Andros for monies loaned to the Province. The Duke wrote that if changes were made in the original draft "they would be helpful for the subjects and more in keeping with the laws of England." No changes were made, and

on October fourth, 1684 the records state: "His Royal Highness signed and sealed the Charter of Franchises and Privileges to New York in America; which was counter signed by Sir John Worden and sent to the Auditor to be registered by him, and then to be delivered to Captain Talbot to carry to New York." The Charter was never returned, kept perhaps in London, as the Duke had high hopes that Connecticut and Rhode Island might be added to his province and the document need revision.

In October 1684, the Assembly convened for the second session, passing thirty-one bills relating to the minor courts and certain law practises, the organization of the militia, making the county rather than the town the unit, and a command that all officials must reside in the localities where they serve. Another act abrogated the Supreme and the Assize Courts, as the legislature had assumed their former duties. To regulate and control social conditions, new enactments were framed, forbidding the hasty interment of servants or slaves lest suspicions of foul play might be engendered concerning the publication of marriage banns, and stringent rules for the treatment and education of slaves. The salaries of the Judges and the Collector of Taxes were adjusted, and extra precautions to prevent smuggling were adopted. These ordinances were also sent to the Duke the next year but were never considered.

Charles Second died in February 1685, the Duke became James Second of England, and his rights in the colony passed automatically to the Crown under the jurisdiction of the Committee on Trade and Transportation. The new body took the various clauses of the Charter under careful consideration and, in a series of Observation,[1] denounced its provisions in a harsh and critical spirit. The phrase, "the people met in general assembly," sounded strange and impertinent in monarchical ears attuned to court subserviency. "No other colonial Assembly employed such words"; merely "General Assembly" was another complaint. Even in Holland, the most democratic country on the continent the expression was unfamiliar and unnecessary. "They are not used in any other charter," was another oracular conclusion of the Board of Trade. To grant all legislative authority to the Governor, the Council, the Assembly was an infringement on the rights of the English Parliament, which alone has authority to frame laws for the dependencies. So too, the rights of the Governor and the Council to originate legislation were abridged by the proviso that all bills must be submitted to them for their assent. The authority given the Sheriff was especially questioned as in the colonies they could enjoy no such powers as their brethren in England. These and many other clauses were rejected by the

[1] Eccl. Rec. N. Y. II-895-96.

Committee, indeed the Ordinance in regard to religious toleration was the only section meriting their approval.

In consequence of this hostile criticism by the Board of Trade and Transportation the King rejected the Charter. "And whereas we have been presented with a Bill or Charter passed in ye late Assembly of New York, containing several franchises, privileges and immunitys, mentioned to be granted to the inhabitants of our said Province; You are to declare Our Will and pleasure that ye said Bill or Charter of Franchises soe bee forthwith repealed and disallowed as ye same is hereby Repealed, determined and made void."[2]

Dongan dissolved the original assembly, as the life of a Parliament in England expired on the death of the King. He issued writs to the sheriffs of the different countries for a new election, and in October, the chosen delegates met in the second assembly and elected William Pinhorn, an Englishman as speaker. Laws, relating to the courts, the observance of Sunday, the repression of public drunkenness and blasphemy, were passed and approved by the Governor and the Council. The Duke's instructions in regard to public morals were clear and imperative. "You are to take care that drunkenness and debauchery, swearing and blasphemy be discountenanced and punished and that none be admitted to publique trust

[2] Ibid. II-915.

and employment whose ill fame and conversation may bring scandals thereon."[3] In conformity with these commands Dongan ordered the sheriffs strictly to enforce the ordinance. Other laws in regard to quit-rents and the testimony of a single witness in court were vetoed as unnecessary. The Assembly adjourned to reconvene the following September but the rejection of the Charter as null and void ended its sessions. "The new born liberties of the province were altogether swept away."[4]

Dongan's plans failed, and the Charter was repealed, because the statesman and the instrument were a century in advance of the age. Its bold, democratic spirit and utterances were entirely at variance with the sentiments of the monarchs who gloried in the theory of the divine right of Kings. The clause, "that the People of New York should be governed by and according to the laws of England," was denounced by the Committee on Trade and Transportation as "a privilege not granted to any of his Majesty's plantations where the act of Habeas Corpus and all such bills do not take place."[5] The independence of the judiciary was a necessary corollary to the Constitution of the Province and the attitude of the Assembly. The separation of the legislative and executive functions and the power of the veto, granted to the

[3] Ibid. II-848.

[4] Van Rensselaer. Hist. City. N. Y. II-289.

[5] Driscoll. Rec. & Stud. 1906.

Governor, were other advanced steps in popular government. Nearly half a century later, the Board of Trade and Transportation ruled that the Governor must not sit and vote in the Council, a principle, clearly enunciated in Dongan's charter, harbinger of the future government of the Empire State. Replace the Council by a Senate chosen by ballot, a Governor elected by universal suffrage, and we have an exact replica of the proposed government of the colony in 1683, with one exception, the privilege of the legislature to pass bills over the Governor's veto. "Taxation without representation is tyranny," became the shibboleth of the patriots of 1776, inspiring them to take up arms in defence of the inalienable rights guaranteed them by the Creator. These sentiments and demands originally emanated from English and Dutch sources, inspired by the two great Catholic documents, "The Magna Charta," and "The Great Privilege." Dongan aimed to secure these blessings for the settlers in New York and that he failed was not due to lack of tact nor unwillingness, but rather to the unpropitious circumstances of the times. Foiled by the narrow, monarchial prejudices he planted the seed of liberty and toleration which a century later grew and fructified in the Constitution of the Republic of the United States and the laws of his former colony. Inspired by hatred of British tyranny, the principle of popular government ma-

tured and became the vital spark in revolutionary days. Finally, this freedom became the corner stone of England's policy with her dependencies, making her the greatest colonial power of Europe. The Irish-Catholic governor has left the impress of his genius and character indelibly impressed on the history of Europe and America.

Nor must the entire odium of the rejection of the Charter be saddled on James, Duke of York, or James, King of England. True, he repealed the document when he ascended the throne of his brother, but the Province escheated to the Crown and became the ward of the Committee on Trade and Transportation, which recommended the rejection of the instrument. This decision was thoroughly in keeping with the policy of the rulers and the sentiments of the people, both opposed alike to despotism and democracy. Popular rights in the colonies were distasteful to the King and his Parliament as William and Mary disallowed the Bill of Rights, Governor Sloughter vetoed it, and during Leissler's usurpation when the Assembly was called in session, it was declared invalid, the acts of a rebellious province and a turbulent city. Historians have maligned the memory of James Stuart, English authors styling him, "dull, narrow, obstinate, harsh and unforgiving," echoes of the crusade against him in England, culminating in his dethronement and the intrusion of William and

Mary; American writers stigmatize him as, "a harsh, suspicious tyrant," influenced by the biased and intolerant scenes in the colony during the treasonable régime of the bigoted adventurer. Yet in his dealings with the people of New York, he "constantly urged upon his deputies unfailing justice, patience, clemency and even sympathetic blindness."[6]

[6] Van Rensselaer. Hist. City. N. Y. II-280.

CHAPTER ELEVEN

Indian Troubles

EARLY in his official career, Dongan cultivated the friendship of the Five Nations, to control the fur trade and to defend the feeble settlements, as, occupying all Central New York, they were an impregnable barrier between the Province and Canada, holding the approaches to New France. Shortly after his advent, he entertained three Mohawk sachems at Fort James, and the next year, in the company of Lord Effingham, the Governor of Virginia, met delegations of Cayugas, Mohawks, Oneidas, Onondagas, and Senecas at Albany, buried the hatchet, smoked the pipe of peace, and signed a treaty of alliance. In memory of the pact, the chieftains presented him with two white doe skins, on which the agreement was written to be sent across the seas to the "Great Sachem Charles," for his seal and approval. Trading with the natives was the staple source of profit to the Proprietor, the people and the colony, and James had instructed the Governor: "You are to give all due encouragement and invitation to merchants and others who shall bring trade unto your government,

or Inhabitants or any way contribute to their advantage."[1]

Dongan was loyal and devoted to his patron, sending trading parties to the western tribes, establishing flourishing markets, and obtaining valuable information. Denonville, the Governor of New France was so exasperated by his course, that he wrote home to the ministry: "For my disposition is to go straight to Orange, (Albany), drive them from the forts, and burn the whole."[2] Dongan in his report told of La Salle's expedition down the Mississippi, pointing out the advantages accruing to France from the possession of the great valley and the inconveniences to the English and the Spaniards, and asking permission to explore the river and if possible annex it to the English crown. "Also it (the map enclosed) points out where there is a great river, discovered by one Lassal, a Frenchman from Canada—and brought two or three vessels with people to settle there, which (if true), will prove not only very inconvenient to us, but to the Spaniards—and if your Lord thought it fitt, I could send a sloop or two from this place to discover that river."[3] He also complained that the French had erected a fort at Niagara to control the beaver and peltry trade and recommended that the Duke establish forts on the Susquehanna and Delaware

[1] Eccl. Rec. N. Y. II-848.
[2] Doc. Hist. N. Y. I-225.
[3] Ibid. I-158.

Rivers and near the Great Lakes "to preserve the Beaver and Peltry trade for this and Albany—I desire I may have order to erect a Campayne Fort upon Delaware River—another on the Susquehanna where His Majesty shall think fitt, Mr. Penn's bounds shall terminate—and another at Onegra near the great lake—where our people goe a beaver hunting or trading or any where else I shall think convenient."[4]

De la Barre, planned to exterminate the Iroquois but Dongan supplied them with arms and ammunition, although forbidden by his instruction to oppose the French. The next year, De Denonville, his successor, contemplated another hostile move but the Governor warned him that the Indians were subjects of His Majesty and an attack would be tantamount to a declaration of war. "I wrote to La Barre, and let him know that these Indians were His Majesty's of Great Britain's subjects, and he must not molest them and that if the Indians had done the Government of Canada any injury, I would cause that he should have satisfaction."[5] His communications to Denonville were able, strong, witty state papers still preserved in the records of the Excelsior State, reflecting the sterling character, superior talents and unstinted loyalty of the governor. In answer to the

[4] Ibid. I-155.
[5] Ibid. I-157.

charge that the English traders had debauched the natives with liquor, he quaintly retorted: "Though certainly our Rum doth as little hurt as your Brandy, and in the opinion of Christians is much more wholesome; however, to keep the Indians temperate and sober is very good and Christian performance, but to prohibit them all strong liquor seems a little hard and very turkish."[6]

On another occasion Dongan wrote that the labors of the missionaries must not be made a pretext for claiming the entire region, adding a postscript: "I send you some oranges, hearing they are a rarity in your parts and would send more but the bearer wants convenience of Carriage."[7] The polite Frenchman thanked the generous donor, regretting that the fruit was spoiled in transit. In the new commission issued by James Second to Dongan, he was ordered to promote traffic with the tribes, to wean the braves from French influence, but to preserve strict neutrality, proceeding cautiously, lest he provoke war with His Majesty, the King of France. Unsupported and hampered for reasons of State, his revenues scanty, his resources meagre, Dongan did not despair, for with the prophetic vision of the great statesman, he saw the present value and the future importance of that territory and the advantage of an

[6] Ibid. I-227.
[7] Ibid. I-236.

alliance with the Five Nations, so he fixed the boundary of the Province along the great northern water ways.

Events were fast hastening to a crisis, although the two nations were ostensibly at peace. The French were arming and recruiting to invade Central New York and the Colonel, hampered by the Treaty of Peace between London and Versailles, was powerless to prevent it. Rumors were spread of a plot to invade the Hudson Valley, attacking Albany and Schenectady, sending the surviving inhabitants to Portugal, Spain or the West Indies as captives or perhaps slaves. Hostile privateersmen were reported off Sandy Hook, prepared to bombard the city, so the defences were strengthened, and the garrison augmented by the militia and some friendly Indians. The French and their brutal allies had invaded the Seneca country, seized fifty braves, assembled for a friendly conference, sending them to the galleys in France, and captured and imprisoned several English trappers and merchants from Albany. On receiving this disastrous news, Dongan hastened to Albany, addressed a council of sachems and supplied them with arms and ammunition to defend their homes. An envoy, Judge Palmer, was dispatched to England to inform His Majesty of the crisis and the plans of the enemy.

Dongan's ambassador finally convinced the King that the alleged treaty of neutrality was a hardship

to the Province, and prevailed on him to acknowledge the Iroquois as British subjects, authorizing the Governor to protect and defend them by erecting forts, gathering recruits, and seeking help from New England and the other colonies. Dongan sent an ultimatum to De Denonville demanding the release of the English captives, an indemnity for the merchandise seized, remuneration for all damages to traders or natives, the release of the enslaved Senecas, either to the British Ambassador at Paris or the Secretary of State at London. As it was the age of might rather than diplomacy, to enforce his demands, he led a little army of two hundred men to Albany to quiet the fears and reassure the distracted settlers, dismayed by the threats of the French and their dusky allies to burn the town and capture the inhabitants. The local militia was mustered, a body of eight hundred Mohawks accepted, the fortifications repaired and extended, and every preparation made for an attack or a protracted seige.

Dongan remained in Albany to await developments. As the finances of the Province were in a deplorable state, he petitioned the Council to consider ways and means to meet the extraordinary expenses amounting to eight thousand pounds, but the members pleaded inability to assume such a burden suggesting that an appeal be made to the other provinces as New York was defending their liberties as well as her own. The

Governor hastened to New York to face the financial crisis threatening to thwart his plans and to ruin the colony. He had pledged his own credit, sold his plate and furniture, mortgaged his Staten Island property to meet the cost of the expedition and his private resources were exhausted. At the recommendation of the Council, he solicited aid from the other settlements as disaster for New York spelled ruin for the others. New England promised six hundred men, Virginia loaned five hundred pounds, the other provinces maintained a discreet silence. Arming the Indians, recruiting every available soldier, Dongan awaited the hostile advance, determined to defend the allies to the last ditch.

These vigorous preparations evidently dampened the ardor of the French, and an agreement between James and Louis forbidding overt acts against the possessions or allies of either sovereign prevented hostilities. Dongan's strong protest had prevailed and the settlers were spared the dreadful ravages of war. Returning to his capital he heard the ominous news from James Second that New York and New Jersey had been united to the New England colonies, and "Sir Edmond Andros appointed Governor-General of the whole territory and Dominion of New England, in America, including all of British North America, between Delaware Bay and Passamaquoddy, and stretching across the continent from the Atlantic to

the Pacific, our province of Pennsylvania and the county of Delaware, alone excepted."[8] Dongan was surprised and hurt by the news but he had the satisfaction of knowing that his exertions against the French had been successful, the English traders liberated, full compensation made, the surviving Senecas sent home, Fort Niagara dismantled, and abandoned, and his entire Indian policy approved and adopted by his superiors in England.

[8] Eccl. Rec. II-955.

CHAPTER TWELVE

In Private Life

FROM the earliest days of his régime, Dongan had urged the enlargement of the Province by the annexation of adjacent territory. The treasury was bare, the revenues meagre, and while the Governor was promoting popular liberty, organizing the government, granting charters, adjudicating boundaries, placating the Indians, resisting the schemes of the Canadians, and extending the beaver and peltry traffic for the prosperity of the colony and the increase of the revenues of the Royal Proprietor, he had to assume the added burdens of regulating the finances, imperilled by the mismanagement, if not deliberate peculations, of the lower officials. The demands on the resources of the Colony were greater than in the other provinces, and Dongan's perquisites and salary were considerably less. Much money had been expended in the negotiations with the Five Nations, entertaining and arming them, especially in securing the control of the Susquehanna Valley. The Governor was under many other obligations, purchasing lands for the Duke according to his orders, organizing and

functioning the first Assembly, entertaining Lord Effingham of Virginia, William Penn of Pennsylvania, Robert Treat of Connecticut, and the commissioners from Boston and other cities. The Council had levied moderate taxes, but these were not sufficient for the ordinary expenses and the province was always poor. New Jersey had been alienated by the ducal grant, the three lower counties on the Delaware conferred on his bosom friend, William Penn, the Quaker.

In his report on the Province, sent to the Committee on Trade and Transportation, February twenty-second, 1687, Dongan renewed his former demands for additional territory. He proposed annexing distant Pemaquid to Boston, "being very convenient for them in regard to its vicinity, affording great stores of Fishery and Islands fit for that purpose—and in lieu of that, to add to this government, Connecticut and Rhode Island, Connecticut being so conveniently situate in its adjacing to us and soe inconvenient for the People of Boston by reason of its being upwards of two hundred miles distance from thence, Besides—it takes away from us almost all the land of value that lies adjoining to Hudson River and the best part of the river itself."[1] In the same report, he laments the loss of the former lands, East and West Jersey, vessels continually passing by Sandy Hook, delivering their cargoes at Perth Amboy, without paying custom

[1] Doc. Hist. N. Y. I-150.

duties at New York, insisting that the river running into the sea is not the Hudson but New Jersey waters. So too, he complained, tobacco is brought up the Delaware River without paying dues to the Province of New York as Penn has acquired the three lower counties, formerly settled and conquered under the Dutch regime, and an integral part of the Duke's colony.[2] Rhode Island was also desired by Dongan. "To bee short, there is an absolute necessity that these provinces and that of Connecticut be annexed."[3] He tried to induce Connecticut to submit peacefully to union with New York, at first with high hopes of success, but later the envoys returned reporting the people were obstinate and unwilling, and were rejoiced when Perth Amboy was named a port of entry, wholly independent of New York. The dispute about the boundary and the Kills was not definitely settled until 1834, when the line was fixed in the middle of the channel.

Unwelcome news reached Dongan that the King had decided to cancel the charters of all the Northern colonies except that of his friend, Penn, while Maryland, Virginia and the Southern colonies were left undisturbed. Once in an ironical spirit, he had written home that if Connecticut were annexed to Massachusetts, New York might just as well be added. His

[2] Ibid. I-152–53.
[3] Ibid. I-153.

prediction was literally fulfilled by James Second. The replacement of Dongan by Andros was neither a rebuke nor a punishment, neither the animosity of Penn nor the complaints of Louis being factors in the change. "It was the result of the Kings's belief, that New York no longer needed a governor of its own. Choosing whether Dongan or Andros should remain, in the consolidated Dominion, even James Second, could not doubt that the Protestant was preferable to the Catholic as governor, whose seat was to be at Boston, while the experience gained in both New York and New England gave him other advantages over one who had merely served for five years in New York."[4] On the arrival of the new official, Dongan was to arrange his private affairs, and proceed to England, to receive the thanks and rewards of the King.

Andros, with his staff, arrived in New York on August eleventh after a journey through New England and Connecticut, regiments of foot and horse escorting him to Fort James where his commission was read, the seal of the province broken, and the New England seal substituted. He announced by proclamation that all former laws and statutes were to continue in force until revoked or repealed, and all public officers were to retain their places at his pleasure. Dongan was ordered to return to England to receive

[4] Van Rensselaer. Hist. City N. Y. II-343.

the tokens of the King's approbation and satisfaction. The command of a regiment with the rank of major-general was tendered him, but he declined both honors and promotions, preferring to retire to private life on his Long Island farm.

He owned several choice pieces of land in the province. Shortly after his arrival, the people of Hempstead presented him a tract of two hundred acres and in the following year added two hundred acres more. It was situated in a level, fertile country, extending from the Hempstead plains to the shores of Lake Success, and the Governor was enamored of the delightful location. In 1687, a grant of twenty-four thousand acres on Staten Island was made to Judge Palmer, and transferred by him to the Governor. On this site, he erected an oak manor house, the materials hewn from the primeval forests on the place, a hunting lodge, a grist mill and other buildings. He called the estate, "The Lordship and Manor of Cassiltowne," in memory of the ancestral domains in County Kildare, where he was born and spent his boyish days. Near the city he acquired another piece of property where he sought rest and shelter from the worry and turmoil of office, a beautiful garden with shady walks and a modest summer house with flowers and trees, hedges and shady nooks, with the birds singing and the squirrels cavorting in the leafy branches. It was located in the country of those days,

on Broadway between the present Maiden Lane and Ann Street. In the suburban retreats, he sought surcease of rest from the bustle and confusion, of Fort James, the centre of official life and activity in the little city.

With the innate courtesy of the Irish gentleman, broadened and perfected by his years in France and his experiences in the Low Countries, he awaited the coming of his successor, welcomed him to the city, saw him installed in office, and then retired to his farm house on the shores of Lake Success. His tenure of office had not been a source of profit to him, his perquisites were few and ill paid, his private fortune expended in defending the colony from hostile attack or commercial ruin or arming the warriors of the Five Nations. His appeals to the Council or the Duke were in vain, the treasury was empty, and to arm and equip the little army he pledged his own credit, sold his plate and furniture and mortgaged his Staten Island estate. "I have been soe put to it, to make things goe, that small perquisits I got, I have disburst—but I have been forced to engage my credit soe far as it would goe, and that not sparing to pawn my plate for money to carry on the King's affairs."[5] Although his means were straitened, his income negligible, his personal fortune exhausted, he preferred the solitude and poverty of his humble farm on

[5] Doc. Hist. N. Y. I-174.

Long Island, with the people whom he loved so well, to the glitter and tinsel of London, or the empty honors proffered him by the monarch whom he had served so faithfully. There, as a private citizen and gentleman farmer, he dwelt, watching the trend of political events in Europe, destined to drive his King into exile, shorn of his crown and dominions, sweeping the horizon of the colony, perhaps discerning the anarchy and intolerance destined soon to reign. His happiness was to be short lived. Intolerance and chicanery were busy in Europe and America and soon he would be an alien in his quiet retreat, condemned as an enemy of the people.

CHAPTER THIRTEEN

Charges and Counter Charges

DONGAN has been pronounced by most historians, the best of the Colonial governors. Yet like all public officials, his actions have been criticized, his motives misconstrued, his sincerity questioned. It was his misfortune to live in an age when religious intolerance was rampant and Catholicity despised and persecuted. Affiliation to the state church was a necessary qualification for holding office in most of the colonies, Catholics automatically disbarred from all public trusts. In New England, if we except Rhode Island, membership in the established cult was a *sine qua non* for the franchise or for office holding. The Puritans hated both Prelacy and Popery, the Southern settlers, Dissenters and Papists. The Charters usually provided "that the true word of God must be preached, planted, and used according to the doctrine, rite and religion now professed and established within our realm of England." As an additional safeguard it was provided "that no person suspected to affect the superstitions of the Church of Rome, be permitted to

pass, but such as first shall have taken the oath of Supremacy."[1]

In Penn's colony, in the early days, and in Maryland during the Catholic period, Catholics enjoyed both civil and religious freedom, although the English Parliament later rescinded the Quaker tolerance, religious liberty alone permitted—and Calvert's grant under Protestant rule, denied all civil and religious rights to the children of the founders. The same narrow, intolerant spirit flourished in New York even in the halcyon days from 1683 to 1688, although latent, as is evident from an excerpt from a local historian of the last century: "He [Dongan] was of the Roman Catholic faith; a fact which rendered him at first obnoxious to many; but his firm, judicious spirit, his steadfast integrity, and his pleasing and courteous address, won the affections of the people, and made him one of the most popular of the royal governors."[2] The tidal wave of bigotry which arose on the fall of James, and the accession of William and Mary, remained at flood until after the Revolutionary period, dimming the many brilliant qualities of Dongan and so obscuring his fame that many remember him only as a member of the despised Catholic Church and a subservient servant of the hated Duke of York. The new monarch inherited the same

[1] Lucas. Charters of Engl. Col. 17–18.
[2] Booth. Hist. City N. Y. 207.

malignant reputation. After his conversion, James was the victim of religious intolerance although in ability and industry he was superior to his brothers, conceded by all to have been an able ruler, a brave admiral, the founder of the modern British navy. He was neither bigoted nor narrow, his only desire to abolish the disabilities under which Dissenters and Catholics groaned, and to establish liberty of conscience throughout the realm. Yet historians have painted him as incompetent and cowardly, intolerant and tyrannical, the implacable foe of Protestantism, and hail William of Orange as the day star of religious freedom.

In consequence of this intolerant spirit, in the province of New York, the many great achievements of Dongan have been forgotten or obscured, and various charges of bribery, extortion and blackmail made against him. In 1683, the towns of Flushing and Hempstead presented him with two hundred acres of land, and during the next year, added two hundred acres more,[3] apparently as compensation for the renewal of the patents, where he established his home after the arrival of Andros. Some historians assume that this was a dishonest transaction, perhaps a bribe, others, a deliberate violation of the Duke's written orders. According to the ducal instructions, the Governor was debarred from engaging in trade,

[3] Bennett. Cath. Footp. in N. Y. 93.

but he was not forbidden to acquire lands. In his report to the Committee on Trade and Plantations, Dongan brands the story as an invention of the dishonest and disgraced Collector, Lucas Santen: "Mr. Santen was one of the Council himself when Captain Palmer petitioned for license to purchase the land—when the same was granted and before he had his patent granted the people of Hempstead were summoned to appear to show cause if they had any, why it could not bee granted. Therefore, one person came to mee and told mee that it was his land—on which I ordered him to put a Caveat into the Secretary's office against the passing of Judge Palmer's patent—inasmuch as Judge Palmer was forced to commence suit against him when finding out that to insist on his pretence would not avail him, suffered judgement to goe against him."[4] To another charge, that he had deprived the township of its only available grazing lands he replied: "As for lands being the only pastures—it is wholly false, for its noe pasture at all, being all woodland, and that town having a plain of forty thousand acres of good pasture without a stick upon it—and for the value I believe Judge Palmer would think himself obliged to Captain Santen or any others that would give him two hundred pounds for it."[5] To the final accusation, that Judge Palmer presided

[4] Doc. Hist. N. Y. I-181.
[5] Ibid. I-181.

at the condemnation proceedings, he retorts: "As for being frightened into it by Captain Palmer being Judge—there is noe such thing for on purpose he withdrew himself, and left the management of the Court to his Colleague, Judge Nicholls."[6] The transaction was legal, sealed by the court, approved by the people, the jealousy and malevolence of the disgruntled Collector the only basis for the charges.

In 1687, the Governor conveyed to Judge Palmer twenty-five thousand acres on Staten Island, and the next day the Judge transferred them to "Thomas Dongan," for a competent sum of money. On this site the Colonel erected "The Lordship and Manor of Cassiltowne," in memory of the ancestral estates in Ireland. Although the sale was open and well known to all, exciting no comment at the time, some historians have branded it as illegal, as there are no authentic records of the transfer. In all probability Judge Palmer was Dongan's land agent in his dealings with the Province, as he had been with the Hempstead property, or perhaps, had sold it to the Governor's nephew and namesake, Thomas Dongan. At this period, when charges of peculation and extravagance were rife, such an overt act would have aroused bitter criticism of the Duke and his personal representative, but no excitement was shown. The Chief Executive was not forbidden to purchase lands; on the

[6] Ibid. I-181.

contrary, he was entitled to two lots in every newly established place and might buy others, provided he did no damage to the proprietor or the people. His other property deals, especially the acquisition of his summer home on Broadway, are sometimes cited as examples of his avarice. All these accusations are based either on ignorance of the prevailing customs at that time both in Europe and America, or the false testimony of the disgraced Collector, Santen. Many of the officials in England and in the colonies were reimbursed in the same way, and the custom was considered just and fair. "The whole tenor of Dongan's official life, supports his statement that he used his rights and privileges with moderation, and his moderation was all the more laudable because the depleted state of the provincial treasury, constantly obliged him to meet public demands from his private purse."[7]

The report of the Mayor of New York that he had paid the Governor three hundred pounds, and Secretary Spragge, twenty-four, for the city charter, has frequently been cited as direct evidence of corruption and his action reprehended as flagrant extortion, bribery and blackmail. Yet most of the officials in the colonies and at home were paid by fees, all admitting its fairness and honesty. To discharge the debt, the

[7] Van Rensselaer. Hist. City N. Y. II-309.

council sold fourteen parcels of land between the City Hall and the North River and sixteen acres along the banks of the Hudson. It was an open transaction, known to every citizen, just as the money or the lands given him for granting or renewing leases or purchases was a matter of public record. In answer to a similar charge that Albany had paid him seven hundred pounds for the charter, he testified that he was promised three hundred pounds, which was not nearly as much as his perquisites, fixed by an act of the Assembly; "ten shillings for every house and the like for every hundred acres patented by me, established by a committee, appointed by the assembly, where Captain Santen may remember himself was Chairman."[8] His fees for granting manorial rights were in keeping with the rules fixed by the statutes of the Province. To Santen's charges that he had deprived the subordinates of their perquisites to increase his own private revenues, he replied: "I am taxed with covetousness, in not allowing sufficiently to the officers employed. Niggardly I have not been, but the revenues being soe small and having soe great charge, I endeavored to bee as good a husband for the King as I could, I'm sure better than I ever was for myself."[9] Then he enumerates the sale of his

[8] Doc. Hist. N. Y. I-180.
[9] Ibid. I-174.

plate and furniture and the mortgaging of his estate to procure funds to thwart the designs of the hostile French and to preserve the alliance with the Five Nations. His last words show his kindness of heart and his pity for the impoverished settlers: "I have not got the fourth part of my perquisites, choosing rather to want them than take from the poor people that cannot spare it."[10]

These charges were made originally by Lucas Santen, the Collector, whom Dongan had suspended from office, and sent to England for trial. Dongan had shown him many favors, but Santen was most ungrateful. "What return he has made mee for my kindness, I will pass by, and say noe more of this than I am obliged to doe for my own vindication having nothing of ill against him."[11] Santen continually rebelled against the Council and the Governor, threatening vengeance on both: "He continuing still refractory and disobedient to the orders of the Council,[12]—he hath been soe unruly and abusive to me and the Councill, wee are forced to send him home, threatening us with chains at least for what wee have done."[13]

A committee of New York citizens examined the Collector's accounts, and reported he owed the King three thousand pounds. Many reputable merchants

[10] Ibid. I-180.
[11] Ibid. I-167.
[12] Ibid. I-169.
[13] Ibid. I-188.

testified to the Governor's honesty, some brought suits against Santen for slander. He was sent to England, tried for peculation, found guilty and deprived of his commission. The Board of Trade unanimously exonerated the Governor from all the charges. To prevent future frauds, Dongan recommended that the Collector be named by the Governor: "Since those who come out of England expecting to run suddenly into a great estate, which this small place cannot afford them." The entire history of Dongan's career seems to confirm his repeated assertion that he had been obliged to disburse his private funds for the welfare of the colony, and that he had not received from the government a fourth part of the perquisites to which his office entitled him preferring rather to want than take from the poor people that cannot spare it. "I have been put soe to it, to make things doe that what small perquisites I got I have disburst and not only soe, but have been forcet to engage my credit—not sparing to pawn my plate for money to carry on the King's affairs."[14] And furthermore he denies the charges of avarice. "Here, (if Mr. Santen speaks true in saying I have been covetous,) it was in the management of this small revenue to the best advantage and had Mr. Santen been as just as I have been careful, the King had not been in debt,

[14] Ibid. I-174.

and I had more in my pocket than now I have."[15] In a period when a high appointment in the colonies was considered like a Viceroyship in India, a century later, an opportunity of amassing a colossal fortune, the frugality and honesty of this Catholic governor seem truly marvellous.

[15] Ibid. I-178.

CHAPTER FOURTEEN

Rebellion and Exile

THE conversion of the Duke of York and his public profession of the Catholic faith aroused a storm of indignation, mingled with fear, among the Protestants of England. Charles Second was childless, if we except the illegitimate Duke of Monmouth; James was the heir apparent to the throne. As High Admiral he had been a brave sailor, winning two mighty encounters with the vaunted Dutch fleet, the first, the greatest victory since the Middle Ages, had placed the department on a new and secure basis, with a regular line of frigates, permanent and professional officers and crews, midshipmen, trained in modern sea-faring. Yet in the bitterness of bigotry and intolerance, his brave deeds and great labors were forgotten.[1] The Test Acts were introduced and passed in Parliament, decreeing that all "refusing to take the Oaths of Allegiance and Supremacy and to receive the sacrament according to the rites of the Church of England, should be incapable of public employment, military or civil."[2] A declaration against the Catholic

[1] Belloc. James II. 81.

[2] Lingard. Hist. of Eng. IX-227.

doctrine of Transubstantiation was likewise required. James confirmed the rumors of his conversion to the ancient religion by voluntarily resigning all his offices under the crown. The bitter antipathies of the nation were increased when he espoused Mary, the sister of the reigning Duke of Modena, a Catholic princess. "They appealed to the religious passions of the people; they magnified the danger which threatened the Protestant church; and they called for the establishment of securities, which though they affected the whole body of Catholics, were in the intentions of the framers, chiefly directed against the Duke's right to the succession."[3]

Charles II died on February sixth, 1685, after receiving the last rites of the Catholic Church, and James ascended the throne, to the chagrin and alarm of the Protestant majority. His chief aim was to abolish the disabilities under which Catholics and Dissenters labored and to establish liberty of conscience throughout the realm. Modern historians question his motives and malign his memory, "eager to tell us that his real aim was not toleration as he was too stupid, too wicked, too obstinate to entertain such noble ideals."[4] They stubbornly maintain that the reëstablishment of Catholicism and the destruction of Protestantism were his sole concerns. He

[3] Ibid. Hist. of Eng. IX-248.
[4] Belloc. James II. 189.

wished to repeal the Tests Acts, and make religious freedom the inalienable right of every Englishman. Surrounded by sycophants and traitors who revealed his words and plans to his bitterest opponents, unwise in his methods with the Anglican bishops, his open and secret foes invited his son-in-law, William of Orange to accept the throne and defend the liberties of the Protestant religion. The birth of a son and heir hastened the catastrophe. The Dutch usurper landed at Torbay in November 1688, multitudes of the disaffected flocked to his standard, and James deserted by his closest friends, fled to France. The Irish people rallied to his support, but after the relief of Derry, the defeat at the Boyne and the surrender of Limerick, his star set once more, he returned to France to live and die in exile.

The consolidation of the Northern colonies into the Dominion of New England, was not pleasing to the people of New York who feared their Eastern neighbors might profit commercially and financially by the policy. New England, intensely Protestant, and intolerant of all religious creeds except the State Church, rejoiced at the fall of the Catholic despot, and the succession of the Protestant champion, New York because William was a Dutch Prince, a friend of the new cult, perhaps also a harbinger of more popular government. The religious issue was complicated by the complexion of the new Council selected by

Governor Andros, especially the New York members. Two, Anthony Brockholls, and Jervis Baxter were professed Catholics, Stephen van Cortland, Nicholas Bayard, and John Palmer friendly to Catholics, close associates and warm admirers of Governor Dongan. Andros had gone to Boston, but when the accurate news of the revolution in England arrived, he was placed under arrest and a Committee of Safety chosen to rule Massachusetts. Nicholson, the Lieutenant Governor was in New York but his authority to act was questioned in certain circles and a dread of Catholic aggression was aroused. The presence of Brockholls and Jarvis in the Council, known "papists," was resented. Nicholson, a staunch Episcopalian was styled a "papist," one witness maintaining he had seen him at Mass in the Duke's chapel tent. Van Cortlandt and Bayard were called "secret papists" although members of the Dutch Reformed Congregation, their orthodoxy, vouched for by a certificate of the church pastor, were denounced as "papists, rogues and scoundrels." Even Governor Andros was condemned as a "papist," and Cotton Mather, the bulwark of Protestant orthodoxy in New England, was suspected "as tainted and shaken with popery."[5] Rumors of war between Catholic France and Protestant Holland and England, the presence of a French fleet off Sandy Hook, prepared to bombard

[5] Van Rensselaer, Hist. City N. Y. II-362.

the city, a threatened incursion of Canadians and Indians, fanned the flames of intolerance. When Father Thomas Harvey, S. J. removed the altar, the sacred vessels and the vestments from Fort James to another place, fears of a "popish plot" to seize the city and enslave or murder the loyal Protestants were increased.

As most of the soldiers from Fort James were with Brockholls defending the settlers at Pemaquid or with Baxter at Albany, the six militia companies were mustered to defend the fort from hostile attack. Among the captains was Jacob Leissler, a German, a Swiss or a French Huguenot, who had been a soldier in the Dutch West India Company's service, had been captured by the Turks at sea, and ransomed, a man of ungovernable temper, inordinate vanity, and fanatical disposition. Although he held the post of Commissioner of the Port and captain of militia under Dongan, he had a deep-seated antipathy to Catholics and a strong hatred for the Pope. He was undoubtedly honest in tradings and sincere in his purposes—described as "a merchant of very great dealings, and of very good reputation."[8] His mind was poisoned by religious bias against the Catholics. Fears of French invasions, Canadian and Indian forays, "grandees from Maryland," the plots of local "papists," impelled him to seize the fort and "await orders from His Royal

[8] Ibid. Hist. City N. Y. II-366.

Highness, the Prince of Orange."[7] He called a Committee of Safety, which designated him as Commander-in-chief of the fort—Nicholson having escaped—and a convention which gave him almost absolute control of the colony.

The new ruler had early shown his hatred and suspicion of Catholics by refusing to pay duties to Matthew Plowman, the Collector, as he was a "papist," not qualified to serve under a Protestant Prince, and in a declaration attributed to him announces: "And we declare to be entirely and openly opposed to Papists and their religion, and we shall keep and guard surely and faithfully said fort in the behalf of the power that now governeth England, to surrender to the person of the Protestant religion that shall be nominated or sent by the power above said."[8] Writing to the Committee of Safety at Boston he states: "the collector of the Custome house is a rank papist, I cannot get the other Captain to resolve to turn him out but acts still as before."[9] In a sworn affidavit, to the same committee he enumerates the "papal plots" to seize the fort and massacre the faithful Protestants: "We had a relation that the Papists on Staten Island did threaten to cut the inhabitants throats and that the People had left the Plantations and even running the woods—and

[7] Roberts. New York. I-204.
[8] Van Rensselaer. Hist. City N. Y. II-387.
[9] Doc. Hist. N. Y. II-3.

further they threatened to come and burn this city and that Mr. De la Prearie had arms in his house for fifty."[10] Colonel Nicholas Bayard, a Council man and Commander of the militia, replying to these charges affirms: "As to the matter of Staten Island, it was false, as I have Spoke with a boatman, and he informed me all was peace and quiet upon the island, and for M. De la Prearie if you find more than two guns in his house, I will give you twenty Pounds—and you shall go to-night and see—and I shall lend you my boat."[11] Fear that papists from other colonies might invade New York induced him to write again: "that we have certain information that there were eighty or a hundred men coming from Boston and other places that were hunted away no doubt not for their own goodness, and that there were several of them Irish and Papist and that the Governor had designed to take them in the fort to which they would not suffer."[12] Colonel Bayard once more assured the Committee of the groundlessness of the fears; "And as for the Papists, in the fort, and the soldiers coming from Boston, he made no other answer than this, that the Governor was an honest man, and as for the Papists, were few and insignificant and that we were very unwise to be afraid of them."[13] When the

[10] Ibid. II-29.
[11] Ibid. II-29.
[12] Ibid. II-29.
[13] Ibid. II-30.

dreaded army arrived, it consisted of seven discharged regulars of the Governor's army who were promptly disarmed. But the leaven of fear and bigotry was working rapidly and soon the entire mass of the population would be permeated.

Governor Dongan had called the first popular assembly in New York, granted the Charter of Liberties and Privileges, proclaimed religious toleration for all sects, and had won the esteem and friendship of all classes, yet during this critical time his affability, his kindness, his toleration were forgotten, the supporters of the new English dynasty recalling only that he was a professed Catholic, the founder of a Catholic school, the protector of the priests, although he had been most unobtrusive in his Catholicity. He had committed no overt act to inflame the hatred of the dominant faction, but he was the leading and most influential Catholic in the community, a devoted follower and former official of the dethroned monarch, and in consequence, an enemy of Protestantism and an implacable foe of the new rulers, William and Mary. He was living quietly on his Hempstead farm on the shores of Lake Success, busy with his flowers and his fruits, his crops and his stock, engrossed in his books and correspondence, little interested in the events of the outside world, although the political upheaval in England and the stirring scenes in the city aroused his latent susceptibilities. Country life

was to him an ideal existence after the strenuous years in the Low Countries, and his career amidst the intrigues and troubles of his province had wearied him, and had he been left undisturbed, might have ended his days in the rural retreat on Long Island. The conspirators, fearful lest he lead his coreligionists against them—he was the best soldier in the province—or because they needed his services against the suspected French and Indian invasion, or to imprison him before breaking forth into open mutiny, demanded his return to the city: "who they desired might come and live in Towne as formerly and not depart from this government."[14] Mayor van Cortlandt tried to calm the delegation but they insisted that he be compelled to return "to remove all jealousies of his departure provided they doe promise upon oath, to their respective captaines that they will doe no harm to his person."[15] Dongan was visiting the home of Captain Bowne at Monmouth where his old friend, Councillor Jarvis Baxter joined him. Several messengers were sent to Hempstead to urge him to remove to New York, but the house was closed.

The clamor for Dongan's return or his safe incarceration still continued, as Leissler once more complained to the Committee on Safety at Boston: "there was Complaint made that Colonel Dongan, his Brigantine,

[14] Bennett. Cath. Foots. N. Y. 124.
[15] Ibid. Cath. Foots. N. Y. 125.

was fitted out with a considerable Quantity of Guns and amunitions and made Water and provisions and her whole lading was no other than if she had been designed for some war-like design and notwithstanding was Suffered to depart this port without interruption, these reasons did oblige us to Come with the whole Company to secure ourselves the best we could, against the fears that were put upon us."[16]

Colonel Bayard assured the Committee that the charges were false and exonerated Dongan from all treasonable intent. "I have been aboard myself and see, she is loaded with pipe-staves and flowers and designed for Madera, as for the Guns the Captain told me that if I would give him security, that if he was taken by the Turk or any of his people to redeem them, that then he would leave his guns, but I thought that might cost possibly three or four thousand pounds if Such a thing should fall out and would not venture to give Such Security, and the guns are his own and I could not take any man's goods by force beside the Captain Swears that if any come aboard, he will cut them over the pate or knock their brains out."[17] Dongan embarked on the vessel hoping to reach England, but stress of weather and illness forced him to return. Lieutenant-Governor Nicholson, a fugitive, who was

[16] Doc. Hist. N. Y. II-29.
[17] Doc. Hist. N. Y. II-30.

visiting Captain Bowne, purchased a third interest in the craft, sold the cargo, shipped a new lading and sailed for home. Dongan remained in hiding, awaiting a favorable opportunity to embark.

The reign of terror in the city brought discomfort and annoyance to Catholics and Protestants. Three students with their tutors, from the newly founded College in Massachusetts, were detained in prison until they could give a satisfactory account of themselves. Even the ministers of the various dissenting denominations, who opposed the despotic rule of the usurper, were persecuted. "Dominie Varick and myself," writes Dominie Selyns to the Classis of Amsterdam, "have suffered more than can be believed. May the Lord incline the hearts of their Majestys to send some one—to remove the cause of the dissention, tranquilize the community. Otherwise we have resolved to relinquish everything and return to Holland—or like Elias, to hide ourselves in the wilderness and administer the service of Christ, Ultra Garamantos et Indos."[18] This statement sharply contrasts with the peaceful conditions in Dongan's administration: "As to my congregation," writes Dominie Varick of Flatbush, "we live in love and peace with each other and it increases every day."[19] Dominie Selyns reiterates the praise: "I wrote—and informed

[18] Eccl. Rec. N. Y. II-1007.
[19] Ibid. II-956.

you—of the grateful prosperity of the church in this place and in the vicinity."[20] Dominie Delius fled to Boston when Leissler sought to imprison him. Dominie Varick found refuge in Newcastle and, on his return, was sentenced to deprivation of ministerial functions and fined eighty pounds, and Pierret and Daikke, Huguenot pastors, were threatened with punishment. Matthew Plowman, the collector, a Catholic, was forced to flee because he was a papist not eligible to serve under a Protestant dynasty, and Major Anthony Brockholls, the former Deputy under Andros in his first administration and an official in his second, who had returned to New York after defending the settlers in Pemaquid against the savages, was taken into custody as "a papal dog and rogue."

Meanwhile determined efforts were made to apprehend Dongan. Various reports of his whereabouts came to the conspirators, that he was hiding in Jersey, that he had been seen in Rhode Island, that he had held a conference with Andros who had lately escaped from prison at Boston, in New London, that he had reached England where he was imprisoned, that he was seen in Paris with James, the dethroned King, meditating an attack on the city and the humiliation of the Protestant inhabitants. His farm at Hempstead was under constant surveillance as

[20] Ibid. II-958.

he was accused of "holding cabals at his house and other places adjacent to make an attempt on the fort." Long Island was dangerous ground, and his visits to Lake Success were few and secret. Many attempts were made to entrap and capture him, but timely warnings enabled him to escape his enemies. Soldiers searched his Manor of Castletown on Staten Island, and finding four guns in an out-building, exhibited them as final proof of his treason to the colony and King William, and the truth of his alliance with the other "papists" to overthrow religion and government and set up a Catholic province under the dethroned James. Another mob invaded his Broadway home, intending to pull down his barns and to use the stone for repairing the fortifications of the fort, but former friends dissuaded them bribing them with other material to spare the Governor's place.

In February, the inhabitants were shocked and humiliated by the intelligence that a band of French and Indians had surprised the feeble hamlet of Schenectady, burned the village and captured or murdered the settlers. The previous rumors of a Catholic plot were revived and warrants were issued for the principal Catholics, Dongan, Brockholls, Plowman, Baxter and for several Protestant gentlemen who had befriended the Catholics and protested against the unjust charges. A special warrant was sworn out for the Colonel. "These are in his Majesty's

Name to will and require you to Secure ye Body of Colonell Thomas Dongan with a Safeguard within his own house."[21] Dongan remained in hiding during the first excitement, escaped to Rhode Island and thence to Boston, sailing for London in 1691. His property was seized, his servants imprisoned, his estates confiscated. Thus he who had conferred civil and religious toleration on the people of the colony was hunted as a fugitive, despoiled of his possessions, and driven into exile by those whom he had befriended. "There were evil times which choose such a man for a victim, and heaped false charges upon him and drove him even temporarily from his rural home, where he was illustrating the virtues of a private person."[22]

[21] Bennett. Cath. Foots. N. Y. 159.
[22] Roberts. New York. I-197.

CHAPTER FIFTEEN

Ultima Thule

DONGAN returned to England, discouraged and empoverished. After a noteworthy career as Governor, he had been superceded by his immediate predecessor who had retired from office under charges, preferred by the people, "although he had not misbehaved himself, nor in any way defrauded or mismanaged the revenues."[1] True, charges had been brought against Dongan by Santen, the discredited and condemned collector, but the testimony of the leading citizens and the reliable merchants dispelled the accusations. His removal from the position was neither a rebuke, a punishment, nor a stigma, nor were the complaints of Louis nor the enmity of Penn factors in the change, merely a new policy to unite the Northern colonies to increase their prosperity and insure their defence from Canadian invasion. Yet he felt the humiliation most keenly. The people whom he had served so faithfully, incurring the opposition of the French monarch, the animosity of Penn, and the annoyance of the Duke by his vigorous

[1] Roberts. New York. I-186.

measures to protect the Iroquois, perhaps portents of a near-war between the rival powers, granting the people popular government, civil and religious toleration, individual and family immunity from tyrannical interference, securing the monopoly of the fur trade from the Canadian trappers, had driven him from his peaceful retreat into exile, branded as a traitor and an ingrate.

His fortune was at a low ebb. "While thus empoverished by his faithful service—Dongan can have profited very little by his many acquisitions of land in New York."[2] In his letter to the Board of Trade and Transportation answering the charges of Santen that he had been covetous and niggardly, he states: "I endeavored to be as good a husband for the King, as I could, I'm sure better than I ever was for myself. And truly I have been put soe to it to make things doe, that what small perquisits I got, I have disburst and not only soe, but have been forc't to engage my credit, soe far as t'would go and that not sparing to pawn my plate for money to carry on the King's affairs and now I have sent some of it home by Me. Sprag to reimburse Sr. Ben Bathurst what hee paid for mee and to provide clothes for the soldiers and some things for my own use."[3] His salary and perquisites were so small and so irregularly paid that he was em-

[2] Van Rensselaer. Hist. City N. Y. II-457.
[3] Doc. Hist. N. Y. I-174.

barrassed for funds and gave his private fortune to eke out the public treasury. During the various campaigns to protect the Province and maintain the Indian alliance, he advanced more than seventeen thousand pounds.[4] Although he had taken no part in the contest between William and James for the crown of England, his estates in Queen's County, Ireland had been sequestered and conferred on court favorites. He appealed for their return, but as the title deeds were lost or destroyed, his claims were disallowed.

He had no opportunity to use his diplomatic talents or to recoup his shattered fortune. The penal laws debarred Catholics from all civil offices in the kingdom: "A new act of allegiance denied the papal power of deposing and jurisdiction either temporal or spiritual; papists must remove ten miles from London or Westminster; perpetual imprisonment was decreed to any popish bishop, priest or Jesuit saying Mass."[5] The Toleration Act expressly excluded Catholics, and the sanguinary provisions of the penal laws were rigorously enforced. The unwavering, attachment of the Dongan family to the house of Stuart from the days of Charles First was well known and Thomas as a boy of fifteen had gone into exile for thirty years. His Uncle, Lord Tyrconnell, "the Irish born and Catholic friend of James was the sword and buckler of the cause

[4] Van Rensselaer. Hist. City N. Y. II-456.
[5] Stebbing. Cath. Ch. In Eng. 461–62.

in Ireland, the champion of Irish independence and faith,"[6] died in 1691, still battling to hold the island loyal to James. All these were obstacles to the kingly favor, so he offered to serve in the colonies, but his petition was unheeded and unanswered. He could hope for little consideration in his old province of New York, the instructions to Governors Sloughter and Fletcher, in the Toleration Act of 1689, intended for all the English dominions, expressly excluded Unitarians and papists. It "required all office holders to take the test oath, prescribed by the Parliament." This involved "the oath of allegiance and supremacy, partaking the sacrament according to the rites of the Church of England and signing a declaration against the Roman doctrine of Transubstantiation."[7]

As a devout Catholic Dongan could not take the oath, or subscribe to the declaration. In the other colonies harsh laws denouncing the most cherished Catholic dogmas debarred Catholics from all civil honors and positions. Even in Penn's province, where the benign and tolerant founder had granted civil and spiritual freedom to every settler, these rights had been abridged by Parliament, although religious freedom always prevailed. Catholics were unwelcome in most of the colonies and refused civil equality in all. Dongan's usefulness as an official in America had ended.

[6] Lingard. Hist. Eng. XI-7.
[7] Cobb. Rise Rel. Lib. In Am. 337.

In 1698, his brother, William, Earl of Limerick, died in exile at St. Germain, and as he was childless, the title devolved on Thomas. The Earl had adhered loyally to the cause of James II, fighting valiantly in Ireland, fleeing to France with the dethroned King. In consequence, his estates, comprising twenty-six thousand acres in the counties of Carlow, Dublin, Kildare, Kilkenny, Longford, Queen's and Tipperary, were forfeited and conferred on the new Earl of Athlone, Baron de Ginkel, the Dutch general who had aided William in subjugating Ireland.[8] The Irish Parliament—an alien assembly of Anglo-Irish, debarring the Irish Catholics—confirmed the grant, with the proviso, saving the rights of Colonel Thomas Dongan, who on his return from America, might purchase the lands by satisfying the claims of the owners. After his succession to the earldom, Dongan was presented to the King at Kensington, according to the custom of the times, kissing hands, William acknowledging his title. In a memorial to the King and the Parliament, he asked for the return of his patrimony and the payment of the funds advanced for public service in New York. Parliament admitted his claims, voted him two thousand five hundred pounds in partial satisfaction for the loans to New York, and gave him permission to repurchase his possessions in Ireland. Almost penniless, he was unable to purchase the property.

[8] Rooney. Gen. Irish Fam. 162.

After paying his debts and the obligations of the former Earl, he had barely sufficient for his support. The government of the Province considered his plea, examined the accounts, but never paid the debt.

After his succession to the titles, William recommended that as the new Earl was not able to support his new dignity properly in England, that he be given a small prize ship to immigrate to New York and live on his own property, but his former farms were no longer available. His nephews had sold his Hempstead holdings to pay his debts, he had transferred his city home and acres to Nicholas Bayard and Abraham De Peyster in 1689, he had conveyed the rich tracts in the Susquehanna valley, bought or given to him by the natives, to William Penn for the nominal price of one hundred pounds; he had bequeathed the Manor of Castletown, his Staten Island dominions to his nephew and his other heirs. The unjust and intolerant laws framed after 1688 debarred him from all public office, priests were subject to imprisonment or death, from entering the colony, and by the law of 1691, all Catholics were proscribed. He did not avail himself of the King's permission but remained in London, hoping for the restitution of his Irish estates, and the payment of his loans to the province which he had served so well but had forgotten his generous deeds and unselfish sacrifices. The estates were never recovered, New York never refunded the advances.

During the ensuing years, many petitions are found in the public records, many memorials to King, Queen and Parliament, asking for justice not charity. In 1704 he wrote Queen Anne, that if a third part of the loans and debts were paid he would release the rest, but no restitution was made. Ten years later, he again petitioned the Commissioners of the Treasury, complaining of his poverty, praying for the payment of the loans to the province of New York and the arrears of salary due him in America. No answers to these demands are found in the public documents and evidently his pleas were vain. It was perhaps the saddest era in the mournful history of Catholic persecutions in England. Although the Penal Laws were still in force, they were in abeyance, but Catholics were not unmolested. The barbarous legislation of Henry VIII and Elizabeth was suspended, no blood was shed, the age of the martyrs was ended, but new enactments were framed calculated to harass the followers of the ancient faith, demanding firm courage and strong constancy from its children. No Catholic could reside within ten miles of London; nor bear arms; nor enter the universities; nor educate his children; nor purchase land; nor hold office unless he abandoned the true religion by denying the most sacred dogmas of his church. The law, "to prevent the growth of popery," was even a more efficient instrument for repressing Catholicity than the bloody statutes of Henry, Somerset and Elizabeth, although

these enactments were still suspended over the heads of the faithful Catholics.[9]

In such an arid and offensive atmosphere, the Irish Catholic Dongan, member of a family that had sacrificed worldly advantage for religion and country, could hope for little justice. His estates were never restored, his loans and arrears of salaries never paid, his petitions and memorials to the rulers and the legislature were unheeded and unanswered, and he spent his years in poverty and obscurity, his empty title, his only reward for his fealty and loyalty to King and country.

He lived to a hale and hearty old age, passing away in the second year of the reign of George First, the Hanoverian Elector, who had succeeded Queen Anne as the next of the Protestant kin. He died, as he had lived, a staunch Catholic, a devoted Irishman, with a warm spot in his generous heart for the little commonwealth on the Hudson where he had ruled for five happy years although its people had forgotten his services and repudiated his claims. He passed away on December fifteenth, 1715, in his eighty-first year, and as he had never married, his title, Earl of Limerick, became extinct. The remains of his property in New York was bequeathed to his three nephews, John, Thomas and Walter, "to preserve, uphold and advance the name and family of Dongan." His Manor of Castletown, was inherited by the children of Walter

[9] Stebbing. Cath. Ch. In Eng. 461–62.

Dongan, the frame of the ancient home, with a modern exterior, surviving until the last century. One of his nephew's progeny, Lieutenant-Colonel Edward Vaughan, of the Third Battallion of the New Jersey Volunteers, died of wounds contracted in an attack on Staten Island in 1777; another, John Charlton Dongan represented Richmond County in the New York Assembly of 1786 to 1789. No collateral descendants are known, although many families of Dongans or Donegans claim kinship with the former Governor. Many tombstones, containing the inscription, "Dongan" were found in the Staten Island cemeteries at the beginning of the last century.[10] The only memorials of his presence on the island, seem to be the town of Castleton, the section still called Dongan Hills, and Dongan Street.

He was interred in the little church yard of Saint Pancras in London, and a simple stone erected with the modest inscription:

The Right Hon. Thomas Dongan,
Earl of Limerick,
Died December 15th, 1715,
Aged 81 years,
Requiescat in pace, Amen.

The church yard is now a public park, the graves forgotten, the stones gathered into heaps and overgrown with ivy. The exact site of Dongan's grave is unknown.

[10] Bayley. Cath. Ch. In N. Y. 28.

CHAPTER SIXTEEN

Appreciation

FOR many years the name and fame of Dongan were buried in obscurity and oblivion. The wave of religious intolerance which swept over the province during the Leissler usurpation continued under his legitimate successors, subsiding only when the republic was born. Under such unfavorable circumstances, the achievements of the great Catholic Governor were forgotten by the people on whom he had bestowed civil and religious freedom. Yet when the fires of spiritual strife had subsided, the memory of his good deeds remained and the principles of justice and honor which he had espoused emerged unscathed into the clear light of day. His Charter of Liberties and Privileges, although suppressed during the heated periods, was not dead. It survived and lives to this day in the Constitution of the Nation and the State and may be justly styled, "The Magna Charta of Colonial Times."

Historians now regard him as a great, constructive statesman, with a deep appreciation of popular rights and individual liberties, and a broad, intelligent

concept of the theory of government, and hail him as the greatest and best colonial governor. Perhaps to quote a few of these appreciations will illustrate more clearly the truth of this statement.

"The Liberal and just Governor." Lossing.[1]

"An honest gentleman and an active and prudent governor." Colden.[2]

"He was highly respected as governor, being upright and discreet—one of the most popular of the royal governors." Stone.[3]

"A man of integrity, moderation and gentle manners, and though a professed papist, may be classed among the best of our governors." Smith.[4]

"Though a Roman Catholic and an Irishman, and a soldier, he proved himself an excellent and prudent magistrate." Winsor.[5]

"Dongan was the ablest of all the colonial governors of New York, and more than any other he helpfully influenced its fortunes." Van Rensselaer.[6]

"He was a Roman Catholic and was to prove himself a man of loyalty to the colony and for that period, a statesman of foresight as well as of ability." Roberts.[7]

[1] Lossing. New York City. 14.
[2] Colden. Hist. of Five Nations. 85.
[3] Stone. Hist. N. Y. City. 113.
[4] Smith. Hist. N. Y. I-66.
[5] Winsor. Eng. Expl. & Set. 404.
[6] Van Rensselaer. Hist. City N. Y. II-254.
[7] Roberts. New York. I-189.

"He was of the Roman Catholic faith, a fact which first rendered him obnoxious to many, but his firm and judicious policy, his steadfast integrity and his pleasing and courteous address, won the affection of the people, and made him one of the most popular of the royal governors." Booth.[8]

"With all his faults and in spite of his moroseness, this Stuart prince, James II, had many excellent men attached to him; and the new governor of New York was the best of them, Colonel Thomas Dongan, an Irishman of broad, statesmanlike mind, and all the personal magnetism that the Blarney Stone is said to impart." Fiske.[9] Theses are representative, scholarly historians differing in faith and nationality from Thomas Dongan, varying in toleration from William Smith of colonial days, an avowed enemy of Popery, to Colden another product of these biased days, down to the chroniclers of the present time. Yet all acclaim the high qualities and true toleration of the Catholic Governor and pay tribute to his rare statesmanship.

His brethren of the faith are also learning the story of his deeds, and are proud of his record. In 1906, the Columbian Assembly, composed of Fourth Degree members of the Knights of Columbus, of New York City, espoused his cause, and planned to erect a suitable memorial to his memory. A bill was intro-

[8] Booth. Hist. City N. Y. 207.
[9] Fiske. Dutch & Quak. Col. II-198.

duced in the Legislature appropriating twenty-five thousand dollars for a statue in New York City, passed both branches, was signed by the Governor, but was vetoed by the Mayor of New York. The Columbian Assembly again took up the project, and on October eighth, 1911, a bronze tablet bearing the following inscription was unveiled on Saint Peter's church, the site of the first Catholic Church in New York City.

IN MEMORY OF

THOMAS DONGAN

BORN 1634 DIED 1715

EARL OF LIMERICK, GENERAL IN THE
ARMIES OF ENGLAND AND FRANCE,
IRISH PATRIOT AND DEVOTED CATHOLIC,
GOVERNOR OF NEW YORK, 1683–1688,

FATHER OF THE FIRST REPRESENTATIVE ASSEMBLY, AND
"THE CHARTER OF RIGHTS AND PRIVILEGES"
GRANTING POPULAR GOVERNMENT, RELIGIOUS TOLERATION,
TRIAL BY JURY, IMMUNITY FROM MARTIAL LAW,
FREEDOM FROM ARBITRARY ARREST,
FRAMER OF THE FIRST CITY CHARTERS FOR
ALBANY AND NEW YORK
FOUNDER OF LATIN SCHOOL UNDER CATHOLIC
AUSPICES AND TEACHERS.

THIS TABLET
ERECTED BY THE COLUMBIAN ASSEMBLY
FOURTH DEGREE KNIGHTS OF COLUMBUS
OCTOBER 8TH, 1911.

The Rector of Saint Peter's Church invoked the Divine Blessing, the Governor of the State of New York delivered an address laudatory of his predecessor of colonial days, the Honorable Congressman from the Seventh New York District was the orator of the occasion, His Grace, the Archbishop of New York, congratulated the members of the Assembly on their success and pronounced Benediction. During the exercises, a male quartette and a chorus of one hundred trained voices rendered appropriate selections. Delegates from the United States Historical Society, the American Catholic Historical Society of Philadelphia, the American-Irish Historical Society of New York and many of the best known priests and laymen of the Greater City were in attendance, and more than three thousand people filled the street. Thus, after two centuries of oblivion and silence, the great Catholic statesman who gave religious and civil toleration to the colony was suitably commemorated in the city which he loved and for which he labored so faithfully.

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Index

Albany, Charter granted, 72; Dongan's fees, 117.

Allefonsce, Enters New York Harbor, 2.

Algonquin tribe, Alliance with French, 62.

Andros, Gov. Edmund, Assumes office, 25; His troubles, 26; Commissioned Governor of Dominion of New England, 102; Arrested at Boston as secret papist, 124.

Anne, Queen, Petitioned for relief, 141.

Assembly, Popular, Ordered by Duke, 36; Called by Dongan, 36; Delegates elected by people, 38; Meets at Fort James, 38; Frames Charter of Liberties and Privileges, 39; Grants religious toleration, 43; Second session, 89; Prorogued, 91; Dissolved, 92.

Barre, de La, Complains to Louis XIV, 63; Controversy with Dongan, 63.

Baxter, Jarvis, Councillor under Dongan, 46; Reappointed by Andros, 124.

Bayard Nicholas, Councillor under Andros, 124; Denounced by Leissler, 124; Reassures Protestants, 127.

Berkeley, Governor, of Virginia, On education and printing, 80.

Block, Adrian, Voyages, 4.

Bogardus, Dominie, Dispute with Van Twiller, 12.

Bolting Act, Granted by Andros, 72; Renewed by Dongan, 73; Repealed by Leissler, 73.

Bowne, Capt. John, Entertains Dongan, 129; Visited by Nicholson and Brockholls, 131.

Bressani, Father, S. J., Rescued by Dutch, 10.

Brockholls, Anthony, Deputy under Andros, 26; Councillor in second administration, 124.

Cabot, John, Voyage, 19.

Calvert, George, Distant relative of Dongan, 29.

Cartier, Jacques, Voyages and French claims, 51.

Cap de Santa Maria, named, 1.

Cassiltowne, Manor of, 108; How acquired, 115; Bequeathed to heirs, 140.

Charles II, Colonial policy, 21; Recalls Dongan from France, 29; Offers commission, 30; Dies in Catholic faith, 122.

Charter School, Penn, Founded, 81.

Charter of Liberties and Privileges, Framed by Assembly, 88; Approved and sent to England, 88; Signed by the Duke, 89; Rejected by Committee on Trade and Transportation, 90; Vetoed by James II, 91.

Champlain, Samuel de, Contest with Iroquois, 3.

Christaensen, Voyage, 4.

Collect Pond, Trading station, 2.

Columbus, Christopher, Discoveries, 51.

Committee on Trade and Transportation, Colony passes to, on accession of James II, 90; Charter rejected, 90; Dongan reports to, 105.

Congregationalists, Orthodox in New Netherland, 8.
Connecticut, Claims territory, 25; Annexation to New York urged by Dongan, 105.
Cordova, Voyage, 5.
Cromwell, Oliver, Enmity for Spain, 20; Plans Protestant Commonwealth, 21.
Crown Point, Battle between Iroquois and Hurons, 53.

De Denonville, Threats against Iroquois, 64; Controversy with Dongan, 68.
De Soto, Discovers Mississippi, 51.
Dissenters, Tolerated by Dutch, 8.
Dominion of New England, Erected by Duke of York, 102; Andros named Governor, 102.
Dongan, Thomas, Commissioned by the Duke, 26; His family and career, 27; Arrives at Boston, 31; Welcomed by all, 32; Convenes Assembly, 36; Signs charter, 42; Grants religious toleration, 44; Boundary disputes, 54; Pennsylvania, 55; Connecticut, 56; New Jersey, 58; Massachusetts, 61; Latin School, 78; Treaty with Iroquois, 62; Controversy with de la Barre and De Denonville, 64; French threats, 98; Pawns plate, mortgages property, 102–109; Mobilizes army, 101; Indians seized and enslaved, 100; Protests to King, 102; Policy upheld, 103; Superceded by Andros, 102; In private life, 104; Denounced by Leissler, 129; Escapes arrest, 130; Flees to New Jersey and New England, 134; Arrives in England, 135; In poverty, 142; Earl of Limerick, 139; Death and burial, 142; Appreciation, 144.
Doughty, Rev. F., Settles in New Netherland, 6.
Dutch East India Company, Plans, 4.
Dutch Reformed Church, Established religion in New Netherland, 8.
Dutch West India Company, Founded, 4; Plans colonization, 7; No religious tests, 8.

Education, Catholic, In early days, 78; In Ireland, 79; In Maryland and Pennsylvania, 81.
Effingham, Lord Howard of, Visits New York, 96.
Elizabeth, Queen, Plans colonization, 20.

Fletcher, Gov. Benjamin, The Printing Press, 87.
Francis I, Commissions Verrazano, 1.
Frobisher, Martin, Voyages to America, 51.

Gage, Rev. Charles, S. J., In New York, 47, 67, 82, 83.
Gilbert, Sir Humphrey, Brects arms of England, 20.
Grijalva, Voyage, 51.
Gomez, Estavan, Enters harbor of New York, 2.
Gosnold, Bartholomew, Voyage, 51.

Harrison, Rev. Henry, S. J., In New World, 20.
Harvey, Rev. Thomas, S. J., Chaplain to Governor, 32, 47, 66, 82–83; "Papal" plot, 125.
Hempstead estate, Presented to Governor, 108; How was it acquired? 113; Sold to pay debts, 140.
Henry VIII, Plans expeditions to New York, 47, 66, 82, 83.
Hinckley, Governor, of Massachusetts, Praises Dongan, 48.
Holland, Supremacy in Europe, 5.

Huguenots, French, Settle in New York, 13; Granted full toleration by Duke, 47.
Hudson, Henry, Enters New York Bay, 3.
Hurons, Alliance with French, 3.
Hutchinson, Anne, Settles in New York, 6.
Half Moon, Sails up river, 3.

Ireland, Emigration from, proposed, 77.
Iroquois tribes, Enslaved by French, 100; Dongan protests, 101; Released, 103.

James, Fort, Named for the Duke, 22.
James II, Succeeds to the throne, 90; Not an enemy of popular government, 94; Landing of William of Orange, 123; Flight of the king, 123; Defeat in Ireland, 123; Exile in France, 124.
Jews, Under Dutch rule, 9; In Dongan's time, 45.
John of Barneveldt, Defeated and executed, 16.
Jogues, St. Isaac, Visits New Amsterdam, 6.

Kieft, Gov. William, His character and failure, 12.

La Salle, His discoveries, 97.
Latin School, Under Anglican Church, 82; Restored by Dongan, 82; Teachers and curriculum, 83.
Le Moyne, Rev. S., S. J., Visits New Amsterdam, 47.
Leissler, Jacob, Ancestry and character, 125; His intolerance and fear of Catholics, 125; Made commander-in-chief, 126; Reign of Terror, 131; Persecutes all sects, 131.
Liquor Question, The, Dongan's ordinance, 74.
Livingston, Robert, In New York, 74.
Lovelace, Gov., Administration and recall, 24.
Lutherans, Religious status under Dutch, 9.

Magellan, His pilot, 2.
Magna Charta, Influence on character and laws, 93.
Marquette, Father, S. J., His discoveries, 51.
Maryland, Catholic education in, 81.
Mary of Modena, Espoused by Duke of York, 122.
Massachusetts, Claims Hudson Valley, 61.
Maurice, Prince, The stadholder, 4.
Mauritius, Ancient name for colony, 4.
May, Jacob, His voyages, 4.
Megapolensis, Dominie, Objects to Jews, 9; Advises surrender to English, 22.
Mennonites, Intolerance towards Catholics, 14.
Minuit, Gov. Peter, His administration, 12; His failure, 12.
Mohawk Tribe, Treaty with, 63.

New Amsterdam, Settled, 5; Captured, 22.
Newtown School, Founded, 81.
New York City, The Duke's instructions, 70; Charter granted, 70; Municipal Ordinances, 73; Dongan's fees, 116.
Nicholls, Gov. Richard, Character and administration, 24.
Nicholls, Matthias, Speaker of Assembly, 38.
Nicholson, Lt.-Gov., Denounced as a papist, 124; Escapes to England, 130.
Nicholas the Frenchman, Fined for not paying tithes, 11.

Ojeda, Voyage, 51.

Paauw Michael, Purchases lands, 58.
Palmer, Judge John, Agent for Dongan, 115; Friendly to Catholics, 124.
Patroon System, Established by Dutch, 7; New charters by Dongan, 74.

Pennsylvania, Negotiations with Iroquois, 54.
Plowman, Matthew, Collector, 46; Persecuted by Leissler, 132.
Plymouth, Company chartered, 54.
Pring, Martin, Voyage, 51.
Printing Press, The Duke's orders, 86; In later days, 87.
Privilege, Great, Inspires assembly, 93.

Quakers, Undesirable in New Netherland, 8.

Rhode Island, Annexation to New York, 105.
Robertval, Voyage, 2.
Roman Catholics, Few in New Netherland, 14.

San Antonio, Name of River, 2.
Santen, Lucas, Collector, 118; Charges against Dongan, 114; Letter to Board of Trade and Transportation, 118; Dongan exonerated, Santen disgraced, 119.
Saratoga, Indian reservation proposed, 66; French mission centres injurious to England, 65.
Seal of New Netherland, Granted, 5.
Seal of New York, Granted, 71; Broken by Andros, 107.
Selyns, Dominie, Catholics in New Netherland, 14; Praises new governor, 47.
Sloughter, Gov., His intolerance, 94.
Smith, Capt. John, Voyages, 3.
South River, Religious tolerance, 11.
Spragge, John, Clerk of the Assembly, 38; Witnesses the charter, 42.
St. Christobel, Named, 2.
St. Pancras, Burial place of Dongan, 143.
States General, Grants charter, 8; Religious tolerance, 8.
Stuyvesant, Gov. Peter, His administration, 12; Surrenders New Amsterdam, 22

Talbot, Richard, Dongan's uncle, 29.
Tangiers, Dongan, Lt.-Governor, 30.
Test Acts, Framed by Parliament, 48–121.
Throgmorton, Rev., Seeks freedom in New Netherland, 6.
Toleration in Colony, Under Dutch rule, 8–45; In Dongan's administration, 44.
Trade and Transportation, Committee on, Dongan advises, 114; Rejects Charter, 90.

Universities, American, Harvard, William and Mary, 80; Laval, Lima, Mexico, 79.
Usselinx, William, Plans Protestant colony, 8.

Van Cortland, Stephen, Councillor under Andros, 124.
Van Loon, Jan, Fined by court, 15.
Varick, Dominie, Suffers under Leissler' 131.
Van Twiller, Gov. Walter, His administration, 12.
Verrazano, Giovanni de, Discovers New York harbor, 1.
Virginia Company, Chartered, 53.

Walloons, First settlers in New Netherland, 5.
Webb, Capt. John, His home in New Jersey, 129.
Widow's Dowry, Insured by Charter, 40.
William and Mary, Usurp throne of England, 123.

York, Duke of, Receives grant of New Netherland, 21; Instruction to Dongan on popular government, 35; His conversion excites bigotry, 121; Succeeds to English throne, 90.

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